

AL-05-000-2847

Congress of the United States
House of Representatives
Washington, DC 20515

February 22, 2005

CC 4
Charles
John
Gary
Janis
Betsy

The Honorable Stephen L. Johnson
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Acting Administrator Johnson:

We would like to express our concerns about the Environmental Protection Agency's (EPA) plans to proceed with a proposed policy guidance that would allow sewage treatment plants to discharge inadequately treated sewage into waterways. Under this proposal, publicly owned treatment works (POTWs) could divert sewage around secondary treatment units, then combine the filtered but untreated sewage with fully treated wastewater before discharge in a process called "blending". Implementing this guidance would effectively lift the current prohibition on bypassing the biological treatment of sewage to remove most pathogens from wastewater, a crucial second treatment step used during periods of wet weather.

We believe that there should be less sewage entering our environment, not more. The proposed guidance is inconsistent with sewage treatment standards required by the Clean Water Act and its implementing regulations. It would undo many of the public health and environmental gains achieved over the last 30 years under the Clean Water Act.

Federal taxpayers have invested billions in sewage treatment infrastructure, resulting in decades of progress in reducing waterborne illness, beach closures, shellfish bed closures, and drinking water contamination. Unfortunately, whenever there is an accidental breach in sewage treatment facilities, we see the repercussions of polluted water to human health, our constituents' livelihoods, and tourism. That is why it is sound economic and environmental policy to invest in effective sewage treatment to ensure that the U.S. has healthy and vibrant aquatic ecosystems and clean water, not to allow more sewage into our environment.

We understand the nature of the problem of excessive solids losses and disruption of the biological treatment stage during periods of heavy inflow of water into the collection system. It is unacceptable, however, to use sewage blending during rain events as a bandage to cover these infrastructure shortfalls. To truly solve this problem, we need to make significant new financial investments in improved wastewater treatment infrastructure.


The EPA should enforce existing Clean Water Act regulations instead of attempting to change the law so that more sewage would enter into the environment where it will make people ill, sicken our wildlife, and contaminate our waters. We also urge the EPA to ask the Office of

Management and Budget to provide substantial additional funding for sewage treatment upgrades through the Clean Water State Revolving Fund, as recommended by the U.S. Commission on Ocean Policy. These upgrades include the construction of additional capacity and short-term storage until the sewage can be fully treated.


We find it disappointing that the EPA continues to consider a policy change that would worsen our nation's water quality, and we urge you not to implement the guidance. Thank you for your consideration of this matter.

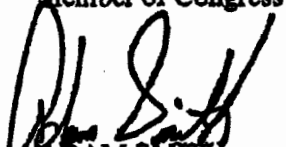
Sincerely,

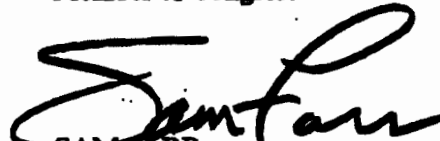

FRANK PALLONE, JR.
Member of Congress


E. CLAY SHAW, JR.
Member of Congress


BART STUPAK
Member of Congress


CHRIS VAN HOLLEN
Member of Congress


ADAM SMITH
Member of Congress


SAM FARR
Member of Congress


G.K. BUTTERFIELD
Member of Congress


CAROLYN CHEEKS KILPATRICK
Member of Congress

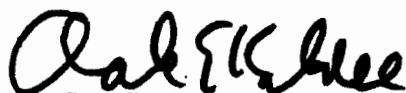

SUSAN DAVIS
Member of Congress


JAMES MORAN
Member of Congress

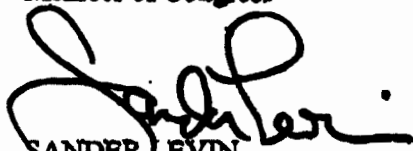

JIM McDERMOTT
Member of Congress


TAMMY BALDWIN
Member of Congress

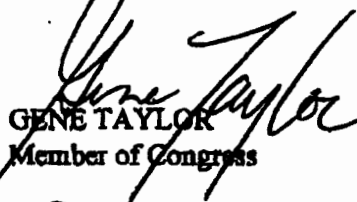
AL-05-000-2847



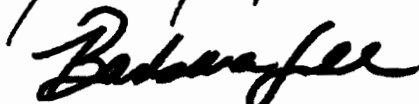
DALE KILDEE
Member of Congress



SANDER LEVIN
Member of Congress



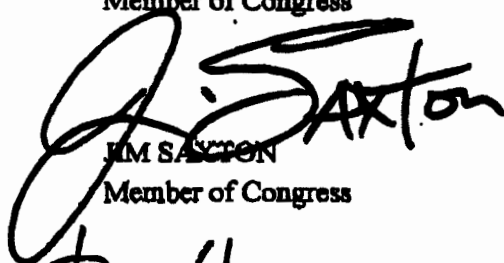
GENE TAYLOR
Member of Congress



BARBARA LEE
Member of Congress



HILDA L. SOLIS
Member of Congress



JIM SAXTON
Member of Congress



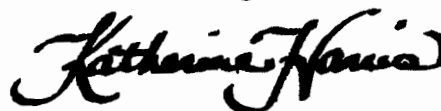
JANE HARMAN
Member of Congress



ED CASE
Member of Congress



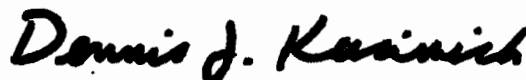
STEVE ROTHMAN
Member of Congress



KATHERINE HARRIS
Member of Congress



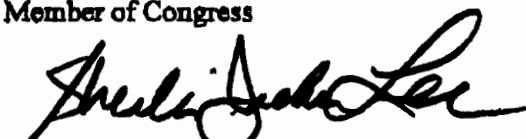
LOIS CAPPS
Member of Congress



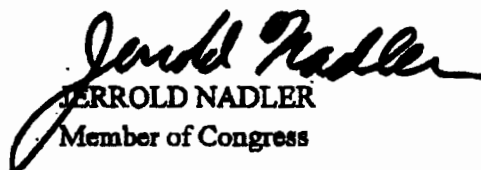
DENNIS KUCINICH
Member of Congress



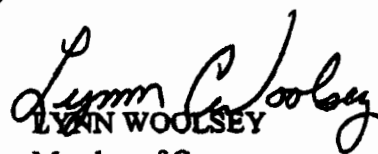
BERNARD SANDERS
Member of Congress



SHEILA JACKSON-LEE
Member of Congress



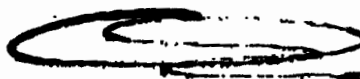
FERROL NADLER
Member of Congress



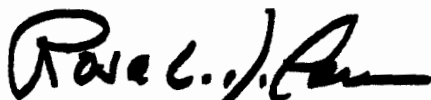
LYNN WOOLSEY
Member of Congress



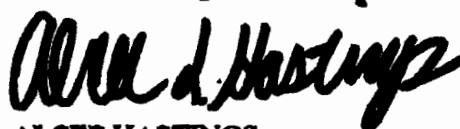
ILEANA ROS-LEHTINEN
Member of Congress



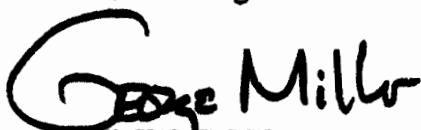
DAVID WU
Member of Congress



ROSA DeLAURO
Member of Congress



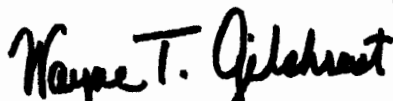
ALCEE HASTINGS
Member of Congress



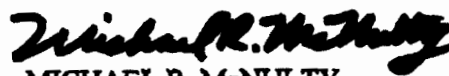
GEORGE MILLER
Member of Congress



MICHAEL M. HONDA
Member of Congress



WAYNE GILCREST
Member of Congress



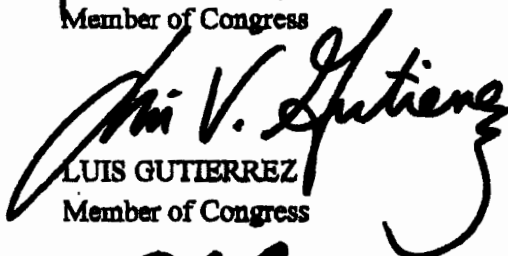
MICHAEL R. McNULTY
Member of Congress



HENRY WAXMAN
Member of Congress



MARTIN OLAV SABO
Member of Congress



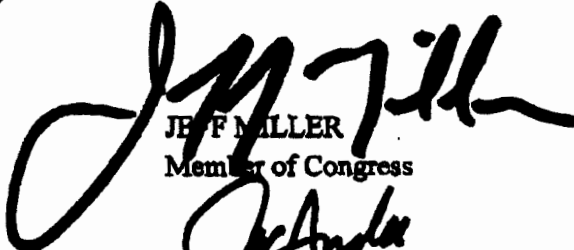
LUIS GUTIERREZ
Member of Congress



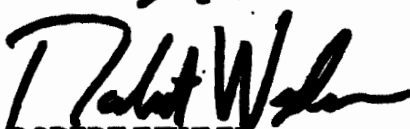
JOHN M. SPRATT, JR.
Member of Congress



PETER DeFAZIO
Member of Congress



JEFF MILLER
Member of Congress



ROBERT WEXLER
Member of Congress



JAY INSLEE
Member of Congress

AL-05-000-2847

Mark Steven Kirk
MARK STEVEN KIRK
Member of Congress

Bob Filner
BOB FILNER
Member of Congress

Carolyn B. Maloney
CAROLYN MALONEY
Member of Congress

Maxine Waters
MAXINE WATERS
Member of Congress

Donald Payne
DONALD PAYNE
Member of Congress

Howard T. Berman
HOWARD BERMAN
Member of Congress

Diana DeGette
DIANA DeGETTE
Member of Congress

Rush Holt
RUSH HOLT
Member of Congress

Jan Schakowsky
JAN SCHAKOWSKY
Member of Congress

Lloyd Doggett
LLOYD DOGGETT
Member of Congress

Stephanie Tubbs Jones
STEPHANIE TUBBS JONES
Member of Congress

Mike Thompson
MIKE THOMPSON
Member of Congress

Chris Smith
CHRISTOPHER H. SMITH
Member of Congress

Robert E. Andrews
ROBERT E. ANDREWS
Member of Congress

Ron Kind
RON KIND
Member of Congress

Louise M. Slaughter
LOUISE SLAUGHTER
Member of Congress



RAHM EMANUEL
Member of Congress



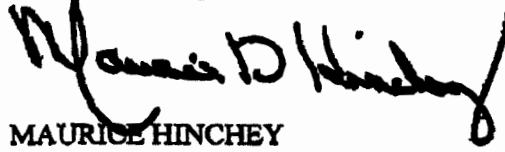
JOHN CONYERS
Member of Congress



GARY ACKERMAN
Member of Congress



SHERROD BROWN
Member of Congress



MAURICE HINCHEY
Member of Congress



JOHN D. DINGELL
Member of Congress



GINNY BROWN-WAITE
Member of Congress



GENE GREEN
Member of Congress



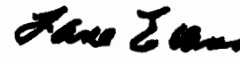
BETTY MCCOLLUM
Member of Congress



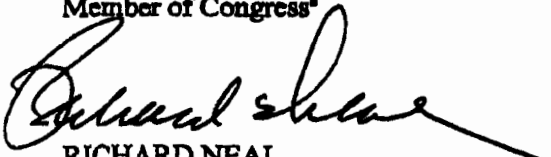
TIMOTHY BISHOP
Member of Congress



STEPHEN L. LEACH
Member of Congress



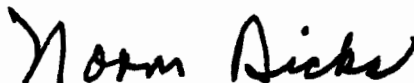
LANE EVANS
Member of Congress



RICHARD NEAL
Member of Congress



LORETTA SANCHEZ
Member of Congress



NORMAN D. DICKS
Member of Congress

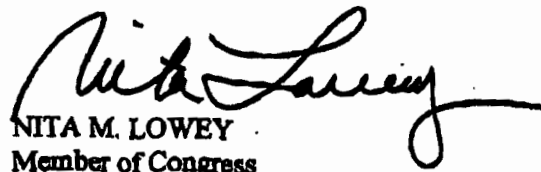


CHARLES B. RANGEL
Member of Congress

AL-05-000-2847



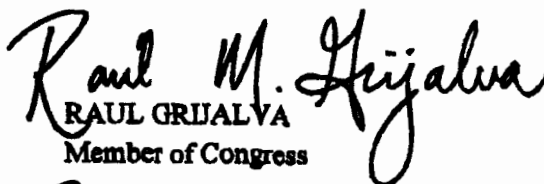
MAJOR R. OWENS
Member of Congress



NITA M. LOWEY
Member of Congress



CYNTHIA MCKINNEY
Member of Congress



RAUL GRIJALVA
Member of Congress



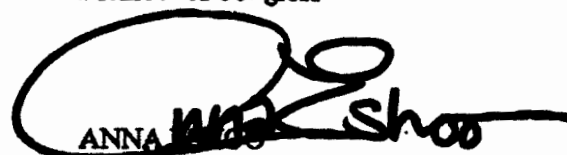
JOSE SERRANO
Member of Congress



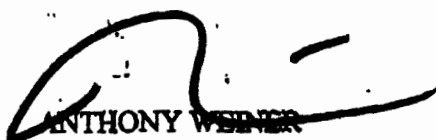
IKE SKELTON
Member of Congress



MELISSA BEAN
Member of Congress



ANNA ESCOBEDO CABRAL
Member of Congress



ANTHONY WEINER
Member of Congress



SHERWOOD BOEHLERT
Member of Congress



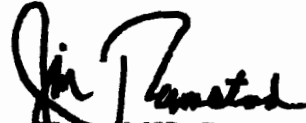
FRANK LOBIONDO
Member of Congress



CAROLYN MCCARTHY
Member of Congress



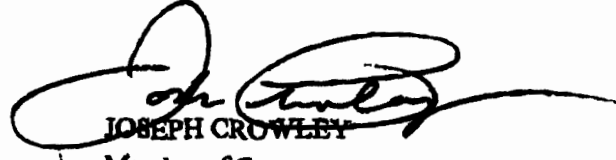
ALLYSON SCHWARTZ
Member of Congress



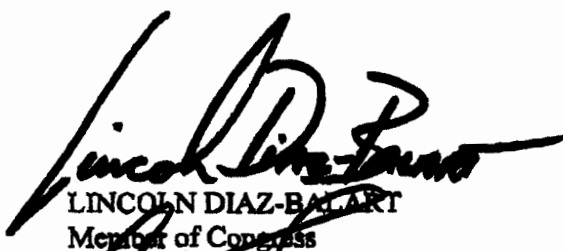
JIM RAMSTAD
Member of Congress



BRIAN HIGGINS
Member of Congress



JOSEPH CROWLEY
Member of Congress



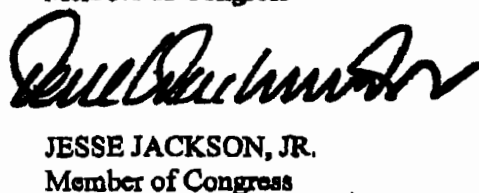
LINCOLN DIAZ-BALART
Member of Congress



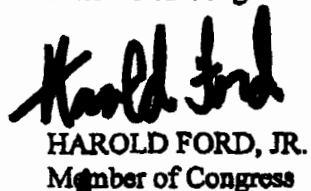
RAY LAHOOD
Member of Congress



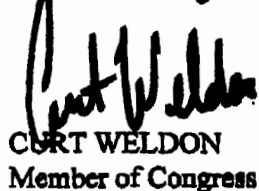
ELIOT ENGEL
Member of Congress



JESSE JACKSON, JR.
Member of Congress



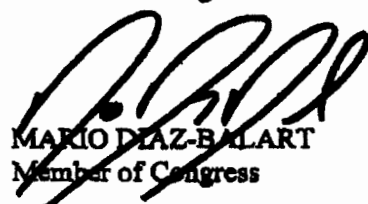
HAROLD FORD, JR.
Member of Congress



CURT WELDON
Member of Congress



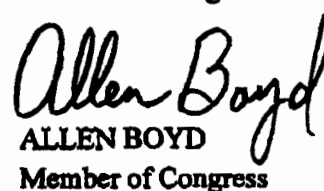
TOM LANTOS
Member of Congress



MARIO DIAZ-BALART
Member of Congress



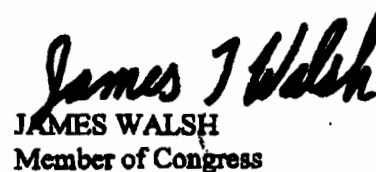
JULIA CARSON
Member of Congress



ALLEN BOYD
Member of Congress



JIM DAVIS
Member of Congress



JAMES WALSH
Member of Congress



JERRY COSTELLO
Member of Congress



MADELEINE BORDALLO
Member of Congress

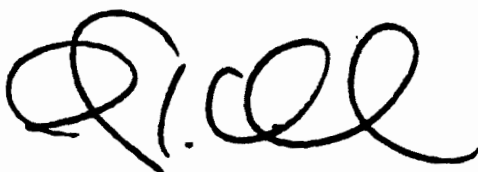


DANIEL LIPINSKI
Member of Congress

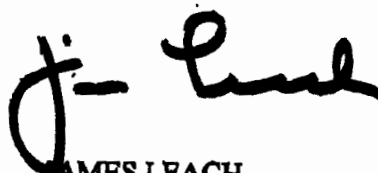


MARK FOLEY
Member of Congress

AL-05-000-2847



PETER VISCLOSKY
Member of Congress



JAMES LEACH
Member of Congress



JOHN SHIMKUS
Member of Congress



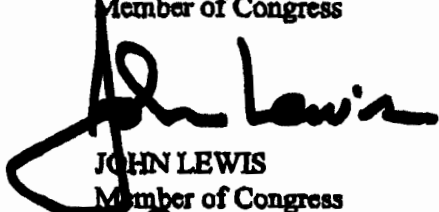
JOHN OLVER
Member of Congress



CLIFF STEARNS
Member of Congress



ELIJAH CUMMINGS
Member of Congress



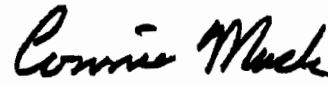
JOHN LEWIS
Member of Congress



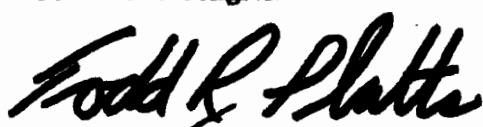
JOHN MICA
Member of Congress



CHRISTOPHER SHAYS
Member of Congress



CONNIE MACK
Member of Congress



TODD RUSSELL PLATTS
Member of Congress



ROBERT MENENDEZ
Member of Congress



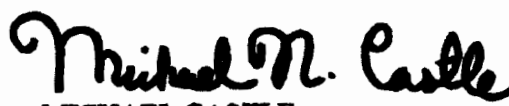
DEBBIE WASSERMAN-SCHULTZ
Member of Congress



SHELLEY BERKLEY
Member of Congress



KENDRICK MEEK
Member of Congress



MICHAEL CASTLE
Member of Congress

Bill Pascrell Jr
BILL PASCRELL, JR.
Member of Congress

Ted Strickland
TED STRICKLAND
Member of Congress

Chaka Fattah
CHAKA FATTAH
Member of Congress

Brian Baird
BRIAN BAIRD
Member of Congress

Ellen Tauscher
ELLEN TAUSCHER
Member of Congress

Edward J. Markey
EDWARD MARKEY
Member of Congress

Corrine Brown
CORRINE BROWN
Member of Congress

Rick Larsen
RICK LARSEN
Member of Congress

Eddie Bernice Johnson
EDDIE BERNICE JOHNSON
Member of Congress

Jim Oberstar
JAMES L. OBERSTAR
Member of Congress

Danny K. Davis
DANNY DAVIS
Member of Congress

AL-05-000-2847



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
WATER

The Honorable Mark Steven Kirk
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kirk:

Thank you for your February 22, 2005, letter regarding the Environmental Protection Agency's (EPA) draft guidance entitled "National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment Discharges During Wet Weather Conditions." I want to express my appreciation for your interest in this important issue and to assure you that your comments will be carefully considered as we decide how best to proceed. Let me also emphasize that as we make this decision, EPA's focus will be on providing the public with protection from exposure to contaminants, including pathogens, and ensuring access to clean, safe, and secure water nationwide.

Again, thank you for your letter. I appreciate your concern for the health and safety of the public and the environment. Please contact me if you have any questions, or your staff may contact Steve Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Grumbles".

Benjamin H. Grumbles
Assistant Administrator



THE NORTHEAST-MIDWEST CONGRESSIONAL COALITION
GREAT LAKES TASK FORCE

December 17, 2009

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army, Civil Works
U.S. Department of the Army
108 Army Pentagon, Room 3E446
Washington, DC 20310-0108

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Admiral Thad W. Allen
Commandant
United States Coast Guard
2100 Second St., S.W.
Washington, DC 20593

The Honorable Sam D. Hamilton
Director
U.S. Fish & Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Secretary Darcy, Administrator Jackson, Admiral Allen, and Director Hamilton:

We are writing today to emphasize the urgency for keeping the Asian carp out of the Great Lakes. Recently, testing has found genetic material from Asian carp above the electric dispersal barrier in the Chicago Sanitary and Shipping Canal. We urge all of your agencies to work cooperatively and expeditiously to prevent the carp from entering the Great Lakes.

Specifically, we urge your agencies to immediately consider:

- Implementing the recommendations of the Asian Carp Rapid Response Project. This project is a federal/non-federal partnership of leading experts.
- Closing the O'Brien and Chicago Locks if there is reasonable likelihood that Asian carp are above the barrier.
- Continuing the use of piscicides as a rapid response measure.
- Creating a permanent hydrological separation between the Great Lakes and the Canal.
- Increasing the voltage of the electric dispersal barrier to prevent Asian carp of any size from crossing the barrier.
- Drafting and approving the planned interim reports as part of the Efficacy Study, which was authorized under section 3061 of WRDA 2007, in order for the Corps of Engineers to take action to prevent Asian carp from bypassing the existing electric dispersal barrier project in the Chicago Sanitary and Ship Canal.

In addition to finding positive eDNA in the Canal, genetic material was also found in the Des Plaines River, north of the electric dispersal barrier. Given the risk that the carp could bypass the barrier if the Des Plaines River were to flood, Congress provided the Corps with additional authority in the Fiscal Year 2010 Energy and Water Appropriations bill to prevent this from happening. We understand that work on this report is on-going, and it is urgent that an interim report be finalized soon.


Finally, we encourage you to carefully consider your Fiscal Year 2011 budget needs for the barrier project and Asian carp efforts. Over the life of the barrier project, Congress has had to provide new authority and new funding on multiple occasions, and a comprehensive, planned approach would be more effective.

There may be no greater threat to the ecosystem of the Great Lakes than the introduction of the Asian carp, and we must do all that we can to prevent this from happening. We appreciate your attention to this urgent matter and look forward to your response.

Sincerely,



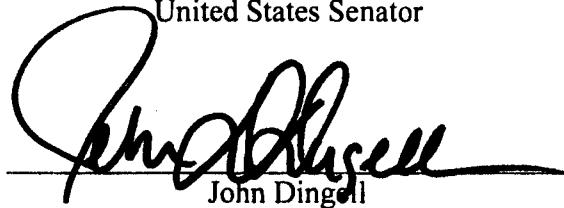
George V. Voinovich
United States Senator



Carl Levin
United States Senator



Mark Kirk
Member of Congress



John Dingell
Member of Congress



Louise M. Slaughter
Member of Congress



Vernon J. Ehlers
Member of Congress

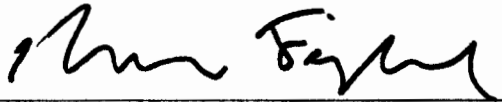


Debbie Stabenow
United States Senator



Sherrod Brown
United States Senator

Asian Carp Letter, December 17, 2009, p. 3



Russell Feingold
United States Senator



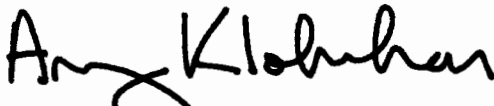
Robert Casey, Jr.
United States Senator



Herb Kohl
United States Senator



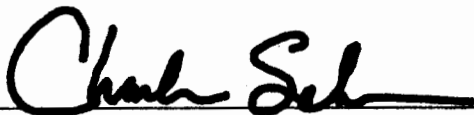
Roland Burris
United States Senator



Amy Klobuchar
United States Senator



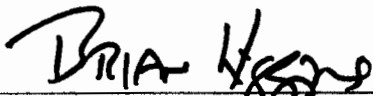
Al Franken
United States Senator



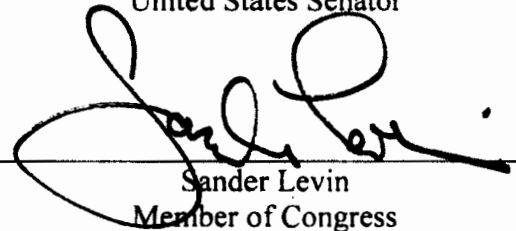
Charles Schumer
United States Senator



Kristen E. Gillibrand
United States Senator



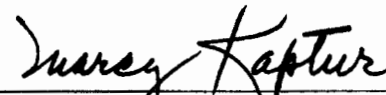
Brian Higgins
Member of Congress



Sander Levin
Member of Congress



Gwen Moore
Member of Congress



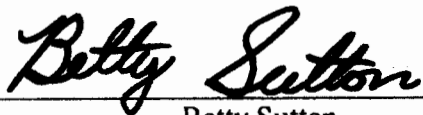
Marcy Kaptur
Member of Congress



Gary Peters
Member of Congress



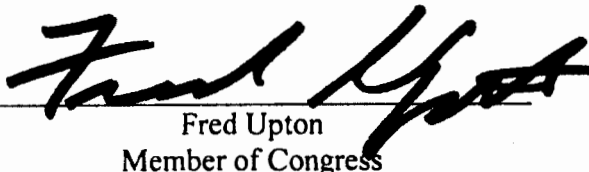
Judy Biggert
Member of Congress



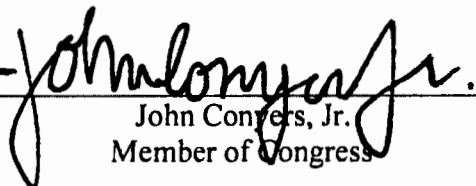
Betty Sutton
Member of Congress



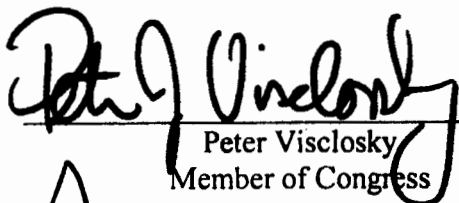
Mike Quigley
Member of Congress



Fred Upton
Member of Congress



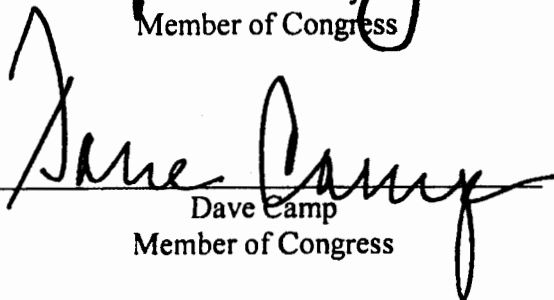
John Conyers, Jr.
Member of Congress




Peter Visclosky
Member of Congress



Candice Miller
Member of Congress



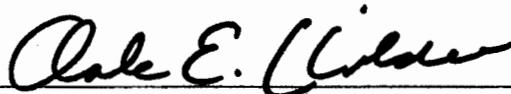
Dave Camp
Member of Congress



Mike Rogers
Member of Congress



Tammy Baldwin
Member of Congress



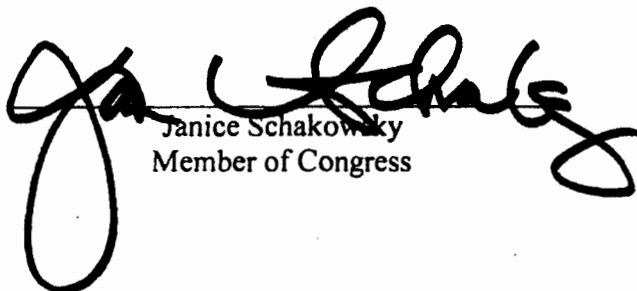
Dale Kildee
Member of Congress



Steven LaTourette
Member of Congress



Kathy Dahlkemper
Member of Congress




Janice Schakowsky
Member of Congress



Mark Schauer
Member of Congress

Asian Carp Letter, December 17, 2009, p. 5



Thaddeus McCotter
Member of Congress



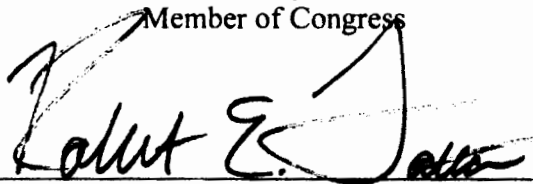
Pete Hoekstra
Member of Congress



Tim Ryan
Member of Congress



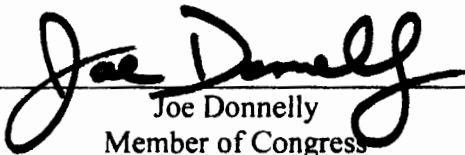
Bart Stupak
Member of Congress



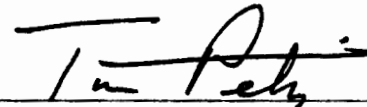
Robert Latta
Member of Congress



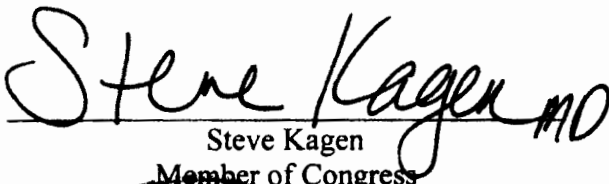
Charles Wilson
Member of Congress



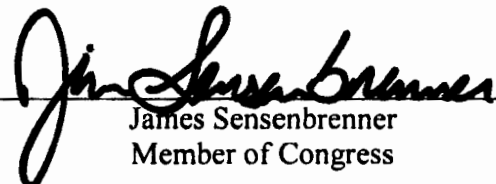
Joe Donnelly
Member of Congress



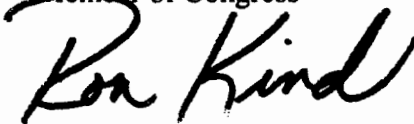
Thomas Petri
Member of Congress



Steve Kagen
Member of Congress



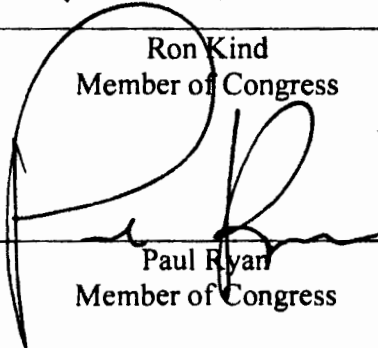
James Sensenbrenner
Member of Congress



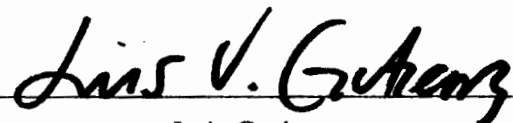
Ron Kind
Member of Congress



Carolyn Kilpatrick
Member of Congress



Paul Ryan
Member of Congress



Luis Gutierrez
Member of Congress

Congress of the United States**Washington, DC 20515****July 19, 2007**

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

CCY
Peter
Josh
Chris
Kevin
file

Dear Administrator Johnson:

We are writing to request a formal review by the Environmental Protection Agency of the egregious National Pollutant Discharge Elimination System (NPDES) permit issued by the Indiana Department of Environmental Management (IDEM) to BP PLC for its Whiting, Indiana refinery facility.

We support BP's innovative approach to addressing our energy crisis, but not at the expense of our most precious natural resource. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than forty million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

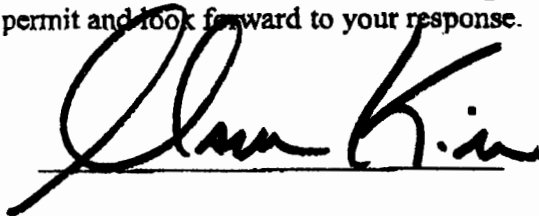
The permit issued by IDEM will allow BP to increase its discharge of ammonia by 54 percent and its discharge of total suspended solids by 35 percent. This amounts to an additional 554 pounds of ammonia and 1,279 pounds of treated waste per day being dumped into our source of drinking water. These staggering figures are wholly contradictory to the intent of the Clean Water Act, which seeks to minimize the degradation of our water quality. We are deeply concerned that a permit of this nature was issued.

We therefore request a review of the permit to include the following:

- 1) Ensure it is in compliance with Sec. 303(d)(4) of the Clean Water Act and 40 CFR 131.12 of federal EPA regulations which outline antidegradation policies.
- 2) Ensure it is in compliance with 40 CFR 132, which outlaws mixing zones for Bioaccumulative Chemicals of Concern (BCC). While we understand that no mixing zone has been granted for mercury, a BCC, it is concerning that the permit acknowledges that Mercury has been found in the effluent in quantities that show a reasonable potential to exceed water quality standards. The permit requires compliance of a final effluent limitation only after five years.

We also request a review of process under which IDEM satisfied these provisions.

As both Congress and the Administration work to protect and restore the Great Lakes, it is unacceptable to allow an increase in harmful discharge of this magnitude. We urge you to immediately review this permit and look forward to your response.



Sincerely,



Judy Beggitt

Monahan (IL-6)

Pat Haskins (MI-02)

James M. Haskins

Tom Pitts

Bin Nissim

Samy Balchun

Seah Lewis

Ralph O

Paul Zink

W. A. Baggett (MI)

Constance A. Miller

Ralph G. K. K. K.

Holly W. W.

Danny H. Davis

Michael A. A.

John V. G. G.



AL-07-09-1786

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG - 6 2007

REPLY TO THE ATTENTION OF: **R-19J**

The Honorable Mark Kirk
House of Representatives
Washington, DC 20515-1310

Dear Congressman Kirk:

I am writing in response to your letter of July 19, 2007 regarding the issuance of National Pollutant Discharge Elimination System (NPDES) permit by the Indiana Department of Environmental Management (IDEM) to BP for its Whiting, Indiana facility. The permit authorizes increases in the allowable discharges of total suspended solids and ammonia to Lake Michigan. You indicated that you were deeply concerned that a permit of this nature was issued.

You have requested review of the permit by the United States Environmental Protection Agency (U.S. EPA) to ensure that the permit complied with:

1. Section 303(d)(4) of the Clean Water Act (CWA) and 40 CFR 131.12 of the federal regulations which outline antidegradation policies; and
2. 40 CFR 132, which contains water quality guidance for the Great Lakes system, including a prohibition on mixing zones for Bioaccumulative Chemicals of Concern (BCC).

You also requested a review of the process under which IDEM satisfied these provisions.

The following is offered in response to your concerns.

IDEM is authorized to operate the NPDES program in the State of Indiana. In its oversight role, U.S. EPA can review permits for consistency with the CWA and to ensure that the permits satisfy the State requirements. U.S. EPA reviewed the proposed permit and compared the terms and conditions of the proposed permit to the regulatory requirements of 40 CFR Part 122, Subpart C (Permit Conditions) (as applicable to State-issued permits under 40 CFR §123.25). Based on this review, the proposed permit complied with the requirements of the CWA.

With regard to your questions concerning compliance with the antidegradation requirements of the CWA, IDEM wrote the permit taking into consideration the "antidegradation" provisions found at Section 303(d)(4) of the CWA. Of particular interest to this discussion, Section 303(d)(4)(B) states that, where water quality meets or exceeds that necessary to protect its designated use, effluent limits may be revised only as subject to and consistent with the State's antidegradation procedures. U.S. EPA reviewed the IDEM's antidegradation analysis and did not raise objection to the way it was performed or to its determination.

With regard to your questions concerning compliance with 40 CFR Part 132 and the period for compliance with the mercury requirements set forth in the permit, the federal regulations at 40 CFR Section 132 include requirements specific to Great Lakes discharges. These regulations include a general prohibition against the use of mixing zones for discharges of bioaccumulative pollutants such as mercury. Consistent with 40 CFR Part 132, this permit does not allow a mixing zone for compliance with the permitted mercury limitation. The permit requires BP to comply with a mercury limit of 1.3 nanograms per liter without the benefit of a mixing zone. As you noted in your letter, the permit requires compliance with the final effluent limitation after 5 years. The 5-year compliance schedule is consistent with 40 CFR Part 132.

In issuing NPDES permits, IDEM is required to follow its administrative procedures, including providing proper notice for public notice and comment. In issuing the BP permit, IDEM provided notice to interested persons and time for public comment prior to permit issuance. Following the issuance of the permit, IDEM provided opportunity for interested parties to appeal the permit. IDEM received no appeals of the BP permit.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons.

Sincerely,



Mary A. Gade
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 7 2008

The Honorable Mark Steven Kirk
U.S. House of Representatives
Washington, D.C. 20515

THE ADMINISTRATOR

Dear Congressman Kirk:

On behalf of the United States Environmental Protection Agency (EPA), I am pleased to invite you to attend a luncheon in honor of the 2007 President's Environmental Youth Awards (PEYA) winner from your EPA region. The luncheon will be held on Friday, April 18, 2008, at noon in the Rotunda at the Ronald Reagan Building and International Trade Center located at 1300 Pennsylvania Avenue, NW, Washington, DC (invitation enclosed).

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young Americans for protecting our nation's air, water, land, and ecology. The PEYA program honors a wide variety of environmental projects developed by young individuals, school classes, summer camps, public interest groups, and youth organizations to promote environmental awareness. Young people in all 50 states and the U.S. territories are invited to participate in the program, and one project from each of EPA's 10 regions is selected each year.

exempt in Arlington Heights, Illinois, is being honored as the Region 5 winner. A brief description of the project, "International Fair," is enclosed. Starting at 11:00 a.m. you will have the opportunity to meet informally with all the winners and view their project exhibits. The luncheon will follow at noon, and the winners will make short presentations about their projects at that time.

I hope you'll be able to join your colleagues and me in honoring these outstanding award recipients. If you have any questions, please contact Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701; and, R.S.V.P. by April 11, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Johnson", is written over the word "Sincerely,".

Stephen L. Johnson

Enclosures



The President's Environmental Youth Awards

**The U.S. Environmental Protection Agency
invites you to a special luncheon
honoring the recipients of the
2007 President's Environmental Youth Awards**

*Friday, April 18, 2008
12:00 noon*

*The Rotunda
Ronald Reagan Building and International Trade Center
1300 Pennsylvania Avenue, NW
Washington, DC 20004*

*RSVP by Friday, April 11, 2008
to Clara Jones at (202) 564-3701*

Region 5

International Fair

exempt

Arlington Heights, Illinois

After she saw the movie "An Inconvenient Truth," 9-year old *exempt* wondered what she could do to help the environment. Since her school did not have enough recycling bins, she wanted to come up with a way to buy more. As a result, she decided to raise money for the school and the environment by organizing an International Fair.

Twenty-one friends from *exempt* divided into groups and selected and researched a country of their choice. Each group created a poster about its country to be displayed at the International Fair. *exempt* worked with the Arlington Heights Park District to rent a neighborhood gym for the event. She made and sold passports to the fair for \$5 each. She also sold energy-efficient light bulbs, raffle tickets, and snack tickets. She hung flyers and posters about the fair at the Arlington Heights library, her school, and local businesses. She also submitted articles to her town newspaper as well as her school paper. Her town newspaper ran an article about the fair on the first page of the neighborhood section.

exempt organized the entire event herself. She e-mailed her volunteers and hosted an ice cream party to discuss how the fair would be run. Baird and Warner donated a computer, among other raffle prizes, for the fair. *exempt* sold a total of 50 energy-saving light bulbs, exceeding her goal by 20. With the money raised from the fair, *exempt* worked with her principal and the president of operations at her school to purchase recycling bins for the lunch room and classrooms. The new recycling bins will allow for recycling of paper, cans, and bottles. The International Fair was a huge success, as *exempt* ended up raising \$502 for her school and sold 50 energy-efficient light bulbs to members of the community.

Here is the poem she used in the school newspaper to promote the event.

On September 8 we will celebrate
 The First International Fair so don't be late!
 The fair will be at Camelot,
 So bring everybody, even the tots!
 We're raising money to environmentally help *exempt*
 So please come, it will be cool!
 We will start at 2:30 on the dot.
 So if you're late you'll lose your spot.
 Please come and have loads of fun,
 And you'll be sad when it's done.
 There will be snacks, games and toys for you,
 At the end there will be a raffle too!
 When the party's over at 4:30 or 5,
 I'm sorry you will have to leave to say your goodbyes.
 You will need to buy a passport to visit the stations,
 They are five dollars each to visit each nation.

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-1310

June 6, 2008

WASHINGTON OFFICE:
1030 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4836
FAX: (202) 225-0837
www.house.gov/kirk

NORTHBROOK OFFICE:
707 3RD AVE. SUITE 350
NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WILKEGAN OFFICE:
20 SOUTH MARTIN LUTHER KING DRIVE
WILKEGAN, IL 60086
(847) 682-0101
FAX: (847) 682-7519

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

I am writing on behalf of Cobalt Finance of Deerfield, Illinois and the Respiratory Health Association of Chicago in support of their recent grant applications. These two companies established a partnership in order to receive \$3,000,000 from the Environmental Protection Agency's (EPA) SmartWay Clean Diesel Finance Program (RFP # OAR-OTAQ-08-04) and a \$750,000 grant from the EPA's Region 5 Midwest Clean Diesel Initiative (RFP# EPA-R5-MCDI-2008) to help reduce used-truck air pollution.

Used trucks are some of the largest contributors to air pollution around the country and pose a serious threat to the health of our citizens. According to a report by the Clean Air Task Force, diesel exhaust from such trucks is 7.5 times more likely to cause lung cancer than all other toxics combined.

Metropolitan Chicago is particularly sensitive to this pollution, as it remains the freight crossroads of the country and a major nexus for truck traffic. The Chicagoland area currently fails to meet minimal air quality health standards and is deemed a PM2.5 non-attainment area. The area also fails to meet the EPA's updated, tighter standard for particulate matter, nor does it even meet the original standard.

It is imperative that we work to improve our air quality, particularly in Metropolitan Chicago, and these grants would help accomplish that. The funds would be used to establish an innovative finance program to provide used-truck owners and operators with incentives to purchase pollution reduction technology. The program would allow owners and operators to purchase used trucks at a reduced price and receive the pollution reduction technology for free. With the proper investment, this program could serve as a model for the nation in reducing a major source of toxic air pollution.

I appreciate every fair consideration you give to this grant application.

Sincerely,



Mark Steven Kirk
Member of Congress



AL-08-000-7806
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2008

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Mark Steven Kirk
House of Representatives
Washington, D.C. 20515


Dear Congressman Kirk:

Thank you for your letter of June 6, 2008, to U.S. Environmental Protection Agency Administrator Johnson, in support of recent grant applications submitted by Cobalt Finance of Deerfield and the Respiratory Health Association of Chicago, pursuant to two EPA Requests for Proposals (RFP) for Fiscal Year 2008 national and regional Clean Diesel funding.

These RFPs are competitive processes and we will give all proposals received fair consideration. The process for reviews and selection is outlined in the RFPs (#OAR-OTAP-08-04 and # EPA-R5-MCDI-2008). We will consider your letter as a letter of support for the above-listed entities proposals.

We appreciate your support for organizations that seek to reduce air emissions by working with EPA. If you have further questions, you may contact me or your staff may contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,


Bharat Mathur
Acting Regional Administrator

RS-08-001-2241-C

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES

FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-1310

WASHINGTON OFFICE
1030 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4835
FAX: (202) 225-0837
www.house.gov/kirk

NORTHBROOK OFFICE
707 SOKOL BLVD, SUITE 350
NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WALKEGAN OFFICE
20 SOUTH MARTIN LUTHER KING DRIVE
WALKEGAN, IL 60085
(847) 662-0101
FAX: (847) 662-7519

September 16, 2008

Lynn Buhl
Regional Administrator
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Administrator Buhl,

I am writing regarding the cleanup plan for the former Fansteel Facility at Martin Luther King Drive and Sheridan Road in North Chicago, IL. The City of North Chicago has informed me that USEPA Region V has no removal program contractors available to complete the remediation plan for the area.

The redevelopment of this intersection is vitally important for the revitalization of North Chicago. The City has already spent millions of dollars toward the Sheridan Crossing project, including significant federal expenditures that I secured from the U.S. Department of Commerce and the United States Navy. Further delays to the cleanup prevent the City from moving forward with its plans and result in unnecessary economic hardship.

I respectfully request that all efforts are made to expedite the identification of a suitable contractor for the site in order to begin immediate remediation work.

Please direct your reply to Aaron Winters in my Northbrook office.

Sincerely,



Mark Kirk
Member of Congress



85-08-001-2241-C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 02 2008

REPLY TO THE ATTENTION OF
R-19J

The Honorable Mark Kirk
Member, U.S. House of Representatives
707 Skokie Boulevard, Suite 350
Northbrook, Illinois 60062

Dear Congressman Kirk:

Thank you for your letter of September 16, 2008, outlining your concerns about the delay in starting the cleanup at the Former Fansteel Facility at Martin Luther King Drive and Sheridan Road in North Chicago, Illinois.

The U.S. Environmental Protection Agency hopes to begin the project as quickly as possible. We understand that the redevelopment of the former Fansteel Facility is very important for the revitalization of North Chicago and any delay in implementing EPA's cleanup plan may delay the City's redevelopment efforts. EPA relies on contractors to perform cleanup activities. Region 5's previous removal program contracts recently expired and the two new contracts it awarded are not available for use because they have been protested by unsuccessful bidders. As soon as we realized that these unanticipated protests would not be quickly resolved, Region 5 immediately began efforts to secure the services of other suitable contractors available under contract in Region 5 and with other EPA regional offices. Region 5 expects to have a contractor within the next 30 days and we will keep you apprised of relevant developments at this site.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Ronna Beckmann, the Congressional Liaisons at 312-886-3000.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Buhl".

Lynn Buhl
Regional Administrator

AL-09-000-2409

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES

FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-1310

WASHINGTON OFFICE:
1030 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4835
FAX: (202) 225-0837
www.house.gov/kirk

NORTHBROOK OFFICE:
707 SKOKIE BLVD, SUITE 350
NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WAUKEGAN OFFICE:
20 SOUTH MARTIN LUTHER KING DRIVE
WAUKEGAN, IL 60085
(847) 862-0101
FAX: (847) 862-7519

February 2, 2009

Mr. Christopher Bliley
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Mr. Bliley:

My constituent, *Exempt Co*, contacted me regarding an application for inclusion in the Energy Star Program.

Exempt Co is the President and CEO of Glentronics, Inc. in Lincolnshire, Illinois. Glentronics manufactures one of the world's most energy efficient primary sump pumps, sewage pumps, and the leading battery backup pump. His company submitted an application to the EPA last year in hopes of obtaining the Energy Star rating for all energy efficient sump pumps. I would greatly appreciate your consideration of *Exempt Co* application, and any information about the status of his request would be appreciated.

Thank you in advance for your attention to this matter. Please do not hesitate to contact my District Representative, Matthew Abbott, in my Northbrook office should you have any questions regarding this case.

Sincerely,


Mark Steven Kirk
Member of Congress

MSK:ma

AL-09-000-2409



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 20 2009

The Honorable Mark Steven Kirk
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
AIR AND RADIATION

Dear Congressman Kirk:

Thank you for your letter of February 2, 2009, regarding the product line of Glentronics, Inc. and its ability to qualify for ENERGY STAR®. There are more than 60 different products capable of earning the ENERGY STAR mark and EPA appreciates the interest your constituent has shown in having his products added to that list.

Unfortunately, sump pumps do not currently fall under any of the existing ENERGY STAR qualified product categories, listed at www.energystar.gov/products. EPA did receive, on March 2, 2009, a proposal from Glentronics, Inc. to consider sump pumps along with pool pumps, which EPA intends to evaluate for possible ENERGY STAR coverage in the future.

We invite you to review new product categories that are currently under consideration by EPA, at: http://www.energystar.gov/index.cfm?c=prod_development.prod_development_index. Here you will find a description of EPA's product development process and updates and revisions to existing ENERGY STAR product specifications. In deciding how best to allocate its resources and which products to address, EPA considers a variety of criteria related to whether a product is suitable for qualification and whether an ENERGY STAR program for that product would be a worthwhile investment of the Agency's resources. These criteria include:

- Whether there are significant potential energy savings and greenhouse gas reductions (both on a product-by-product basis and in aggregate) to be gained from a product qualification effort. Due to the limited ability of EPA to create and administer new programs, the level of energy savings and greenhouse gas reductions must be significant in order to be considered for ENERGY STAR.
- Whether energy bill savings justify any increased initial cost of the higher-efficiency product from the consumer's point-of-view.
- Whether the product is fully commercialized and available to the public on a widespread basis.
- Whether a variety of companies have the ability to manufacture similar products that qualify for ENERGY STAR. In practice, this means avoiding products that use proprietary energy-efficiency technologies or processes. Because the

2.

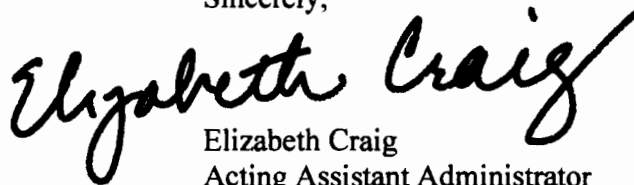
ENERGY STAR mark can convey a marketing advantage, EPA takes care to avoid the appearance of favoring one manufacturer or company over its competitors.

- Whether the end-use and means of distribution for a technology are within certain categories of products. Typically, ENERGY STAR qualified products are for residential, commercial, or office-type use. ENERGY STAR is not typically used for transportation or industrial use products.
- Whether there is a clear method of distinction between products that are more efficient and those that are less efficient.
- Whether products perform equally as well as or better than less-efficient competing products.

EPA will evaluate all of the above factors when reviewing the Glentronics, Inc. proposal. This review will help the Agency evaluate whether sump pumps are ripe for ENERGY STAR consideration, possibly with pool pumps, or as a standalone product category. We look forward to discussing this topic further with your constituent.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Craig". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Elizabeth Craig
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

March 27, 2009

The Honorable Barack H. Obama
The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

The recovery of Pacific salmon is one of our nation's greatest endangered species challenges. It is an issue of great importance to not only the Pacific Northwest, but the entire nation.

As members of Congress who care deeply about the survival and recovery of the salmon, we ask for your serious engagement in this issue. We welcome your willingness to meet this challenge head-on by inviting sound science and common-sense economics to guide successful federal salmon policies. We stand ready to work with you and those within your administration to make this a reality.

Making the most of this opportunity to protect and restore wild salmon will require a commitment to carefully consider all scientifically credible and economically viable salmon restoration measures, which may include, but is not limited to, the partial removal of four dams on the lower Snake River. Such measures deserve the same rigorous and open-minded consideration as other proposed hatchery, hydro, harvest, and habitat reforms under discussion—thereby allowing federal salmon management decisions to be guided by the best available science.

To date, more than \$8 billion in U.S. taxpayer and Northwest ratepayer money has been spent on salmon recovery efforts, and some Snake River salmon runs are still facing extinction within the next dozen years. We have a fiscal and moral responsibility to move away from the failed measures of the past and toward durable solutions for the future. A federal court will soon determine the fate of the current Biological Opinion for the Columbia and Snake Rivers. Regardless of the outcome of that litigation, we feel the multi-faceted challenge of salmon recovery should be further addressed through constructive and inclusive dialogue that results in recovery of the species and benefits to local communities and federal taxpayers. We think that many of these issues are beyond the scope of the current Biological Opinion and merit further discussion.

The Columbia Basin was once the world's most productive salmon watershed, with as many as 30 million fish returning to spawn there each year. While it's unlikely that we will witness those kinds of pre-settlement numbers again, we can bring these imperiled fish back to abundance by following the best science and economics. Doing so has the potential to create tens of thousands of jobs and generate billions of dollars for communities throughout the West and across the nation. We look forward to working with you and your administration to identify and implement common-sense solutions that protect salmon, save taxpayer dollars, and reinvest in American jobs and infrastructure.

Sincerely,



Linnae Watson

Jan Ann

Faleomavaega

Allan Hastings

Melanie Watson

Samuel Walker

Bart Gordon

Carolyn C. Kestner

Shelley Berkeley

Joy Mi Ng

Rosa L. Delacruz

Ruth Welch

Dennis J. Kucinski

R. B. Stangel

Carine Brown

Carolyn B. Maloney

Donald M. Payne

Patrick T. Kennedy

Pat Z
Pete Stark

Malcolm Brown

Ma Shoo

Joe Lef

Donna F. Edwards

John Lewis

Alan Kim

John Lier

John F. Costello

Brant Eiler

Sam Tan

Paul Brown

John W. Oliver

Leis Capps

Michael M. Hall

Betty McEllen

Betty Sutton

Michael D. McElwain

John J. Napoleone

N.K. Fonges

John M. Lutz

Oak E. Green

Sammy K. Davis

Jim Moran

Elijah E. Jennings

Richard Shear

Paul V. Gutierrez

Nydia M. Velazquez

Barbara Lee

Tammy Baldwin

Maureen Rindy

Eleanor Holmes Norton

David Pini

John F. Timony

Harold L. Berman

George Miller

Lyndon Worey

Ellen Tauscher

Ch. B. Felt

John Conyers

B. B. Filer

Raul M. Grijalva

Samuel R. L.

Andrés J. Sienra

T. K. H.

Mazie Hirono

Hon. A. W. H.

Lisa Jackson

Paul Stork

Tim Rep

cc: The Honorable Ken Salazar, Secretary of the Interior
The Honorable Gary Locke, Secretary of Commerce
The Honorable Stephen Chu, Secretary of Energy
The Honorable Nancy Sutley, Chairwoman of the Council on Environmental Quality
The Honorable Lisa Jackson, United States Environmental Protection Agency Administrator

Representative Jim McDermott
Representative Thomas Petri
Representative Earl Blumenauer
Representative Adam Schiff
Representative Albio Sires
Representative Alcee Hastings
Representative Anna Eshoo
Representative Barbara Lee
Representative Bart Gordon
Representative Betty McCollum
Representative Betty Sutton
Representative Bob Filner
Representative Brad Miller
Representative Carolyn Kilpatrick
Representative Carolyn Maloney
Representative Charlie Rangel
Representative Corrine Brown
Representative Dale E. Kildee
Representative Danny K. Davis
Representative David Price
Representative Dennis Kucinich
Representative Diane Watson
Representative Donald Payne
Representative Donna Christensen
Representative Donna Edwards

Representative Eleanor Holmes Norton
Representative Elijah Cummings
Representative Ellen Tauscher
Representative Eni Faleomavaega
Representative George Miller
Representative Grace Napolitano
Representative Howard L. Berman
Representative Jane Harman
Representative Jerrold Nadler
Representative Jerry Costello
Representative Jerry McNerney
Representative Jim Moran
Representative John Conyers, Jr.
Representative John F. Tierney
Representative John Lewis
Representative John Olver
Representative Linda Sánchez
Representative Lois Capps
Representative Luis V. Gutiérrez
Representative Lynn Woolsey
Representative Mark Kirk
Representative Maurice Hinchey
Representative Maxine Waters
Representative Mazie Hirono
Representative Michael H. Michaud

Representative Mike Honda

Representative Mike Thompson

Representative Niki Tsongas

Representative Nydia Velasquez

Representative Patrick Kennedy

Representative Paul Ryan

Representative Paul Tonko

Representative Pete Stark

Representative Raul Grijalva

Representative Richard Neal

Representative Robert Wexler

Representative Rosa L. DeLauro

Representative Sam Farr

Representative Sander Levin

Representative Sheila Jackson Lee

Representative Shelley Berkley

Representative Tammy Baldwin

Representative Tim Bishop

Representative Tim Ryan

Representative Timothy V. Johnson

Representative Henry Waxman

Representative Zoe Lofgren

AL-10-000-9574

U.S. Environmental Protection Agency, Region 5
312-886-0689

From: "Kelly, Ed" <Ed.Kelly@mail.house.gov>
To: Ronna Beckmann/R5/USEPA/US@EPA
Date: 06/10/2010 12:16 PM
Subject: FW: Awesome Design Contracting: Lead Safe Regulation Concern

Dear Ronna

Could you please pass along to the appropriate division for review?

Thank you for your assistance!

Ed

Edward P. Kelly
Office of Congressman Mark Kirk
707 Skokie Boulevard, Suite 350
Northbrook, IL 60062
847/940-0202
847-940-7143 -- Fax
Ed.Kelly@mail.house.gov

From: _____ *exempt*
Sent: Thursday, June 10, 2010 11:11 AM
To: Kelly, Ed
Subject: Awesome Design Contracting: Lead Safe Regulation Concern

Dear Ed Kelly,

Per our phone conversation, I just wanted to reiterate my extreme disappointment and frustration with the lack of follow through by the EPA concerning the new Lead Safe Law that went into effect as of April 22, 2010. Today I contacted EPA representative *Quenda* regarding a residential home in Arlington Heights that was under construction. The construction company performing the work was clearly ignoring the lead safe practices needed to ensure a lead safe environment. As a registered firm, Awesome Design Contracting knows that this residential home was built prior to 1978. This is because we bid out this work which required disturbing lead-based paint on the walls to install electric, remove cabinets from the wall, and do other acts of demolition. We did not win the bid, and yesterday the owner of Awesome Design Contracting saw another company at this Arlington Heights location

doing the work I described without using any containment methods that are REQUIRED by law. *Exempt*
informed me that no action could be taken because they had limited resources. She stated that she would merely
check to see if the company named Ireulter was certified and give them a call to see why they were not taking the
right steps in securing the area. She stated that she could not enforce fines, which basically tells me as an owner
that this was simply going to be ignored. Today, another EPA representative called back and said that he could not
locate Ireulter, the company.

I am severely disturbed by this lack of follow through because I have done everything in my power to abide by the
law. I have spent close to \$1000.00 dollars for certification classes and fees and have spent more than \$3000.00
dollars in equipment to ensure a proper cleansing. However, I am losing business because other contractors ignore
the law. They generate lower bids because they do not need to account for the time and equipment in their
quotes. Not only that, but they also slander my company name by telling customers that this law is a scare tactic by
the EPA and that Awesome Design Contracting is just trying to make an extra buck. Please tell me why I went
through the headache and spent extra money to take courses and buy equipment if this law is not being enforced.
Why doesn't the Village of Arlington Heights use a more proactive approach in enforcing this new law? They told
me that only the state can enforce the law. They already go to the house for permit inspections; could they not at
the same time make sure that the proper paperwork was served to the homeowner and that the construction
company working on the house was taking the right measures? This is not the first time we have lost on a bid
because we had to take into consideration the new Lead Safe law.

I would like to know what the state of Illinois is going to do in order to enforce this new law, since I was threatened
during a certification class that I would have to pay a fee of \$32,500.00 if I did not abide by this law. I was ensured
that the EPA was going to enforce this law in order to level the playing field for those taking no action in becoming
lead certified. Please contact me after all your research into this matter is conducted.

Sincerely,

Exempt
Exempt
Exempt

AL-10-000-9574



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3580

JUN 29 2010

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Mark Kirk
Member, U.S. House of Representatives
707 Skokie Boulevard
Suite 350
Northbrook, Illinois 60062

Dear Congressman Kirk:

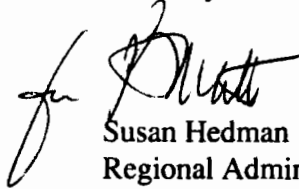
Thank you for your inquiry of June 10, 2010, on behalf of your constituent, *Exempt* concerning U.S. Environmental Protection Agency's new lead-based paint Renovation, Repair, and Painting Rule (RRP Rule).

EPA realizes that many businesses have not yet undertaken the time or expense to comply with the new regulations. To acknowledge concerns like Mr. Roszkowiak's, EPA stated in a June 18, 2010, memorandum from Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, that EPA will not take enforcement action for violations of the RRP Rule's firm certification requirement until October 1, 2010. After that date, EPA intends to fully enforce the RRP rule to make sure firms that comply with the rules are not at a competitive disadvantage. In addition, the memorandum stressed that EPA will continue to enforce the lead safe work practice provisions in the rule in order to protect children's health and reduce lead exposure.

When Mr. Roszkowiak spoke to EPA case officers on June 10, 2010, they assured him that his complaint would be reviewed and appropriate action would be taken based on the information he provided. EPA has taken steps to address Mr. Roszkowiak's complaint by investigating the firms from his complaint, and will continue to follow up on all tips and complaints that we receive under the RRP Rule. EPA will take enforcement actions on tips and complaints, as appropriate.

Again, thank you for your letter. If you have any further questions, you may contact me or your staff may contact Ronna Beckmann, the Region 5 Congressional Liaison, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Hedman", is written over the printed name.

Susan Hedman
Regional Administrator

MAR. 1. 2011 12:18PM

US SENATE, SEN KIRK

AL-11-000-3218

NO. 1840 P. 2

MARK KIRK
ILLINOIS

RUSSELL SENATE OFFICE BUILDING
SUITE 387
WASHINGTON, DC 20510
(202) 224-2854
<http://kirk.senate.gov/>

United States Senate

WASHINGTON, DC 20510

March 1, 2011

Mr. David McIntosh
Associate Administrator for Congressional
And Intergovernmental Relations
1200 Pennsylvania Avenue, NW
Room 3426 ARN
Washington, D.C. 20460

Dear Mr. McIntosh:

Enclosed please find correspondence I received from my constituent,

exempt

exempt

My constituent alleges that there is a bootleg coal mining operation occurring in Thebes, Illinois. *exempt*
exempt believes that the mining is affecting her well water. Further details of her concerns may be found in the attached documents. I would appreciate any assistance or further information you would be able to offer my constituent.

Thank you in advance for your attention to this case. Please do not hesitate to contact my Staff Assistant, Megan Toal, at 312-886-3506 should you have any questions regarding this matter. If you would not mind, please send all written replies directly to my Chicago office located at 230 S. Dearborn Suite 3900 Chicago, Illinois 60604.

Sincerely,



Mark Kirk
United States Senator

MSK:MT
EMAIL.ENDHIDE.MERGEexc

Name

Address

Home Address

Cellular Phone

E-Mail Address

Agency Involved

Partner Case Number(s)

Please provide a brief description of your issue, including any additional names or supporting documentation necessary.

Bottles Containing Contaminating Ground
Water and Surrounding Creek and
Mississippi River

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552, I authorize the release of all pertinent records and information regarding my case to Senator Mark Kirk and his staff. The information I have provided to Senator Kirk's office is true and accurate to the best of my knowledge and belief. The release of the information requested from Senator Kirk's office is in no way an attempt to evade or violate any federal, state or local law.

Signature

Date

Please return to: Senator Mark Kirk

200 South Dearborn Street, Suite 3000

Chicago, IL 60604

Fax: (312) 736-7107

Bootleg coal miners are operating in the vicinity of Fayville Road, Thebes Illinois approximately 5 miles from the T-intersection of Fayville Rd and Route 3 beneath the unpaved section of Fayville road and the surrounding land and shoreline of the Mississippi river.

The mining is occurring in underground tunnels somewhere below 25 feet from the surface somewhere beneath the ground water table. The effect of the mining is the periodic draining and contaminating of my well. All wildlife in this area is nonexistent, trapped and snared, so the impact to the wild animals is hidden. (My dogs have uncovered plastic bait bags filled with an unknown mixture). My major concern is no available well water and when the water returns if left standing it smells sweet but then after an hour the water turns yellow, permanently staining dishes yellow-orange, and then the water smells rancid. Stained water is also seeping through surrounding creeks and into the Mississippi river.

The towns in this area, Thebes, Olive Branch, and Cairo grew around local coal mining and were known as 'Little Egypt'. After cleaner coal mining became popular further north, the coal companies in Little Egypt were shut down. However, I believe bootleggers kept mining the coal in the area and support the local community and perhaps the electric coop to this day.

For the last three years since I've lived here, strange machinery sounds emit from near the river running along Fayville road as well as beneath my trailer most nights and sometimes during the day. The sounds range from motors humming, sometimes beginning with a high pitch, and sometimes a sound like wind when there is no wind, and repetitive blasts. Two to three times I've even heard the sound of a loud explosion. The ground trembles especially when the drainage sluice across from my trailer on Fayville road is operating. Recently, the ground has trembled so heavily beneath me in waves that it felt like a small earth quake and it was accompanied with a sound like a storm front approaching but the weather was calm. The heavy cement gate on the sluice has receded inward and remains recessed within its tunnel, the ground trembles, my trailer vibrates and my shallow well goes dry. Meanwhile the Mississippi river just a minute's walk across Fayville road is flooding from nearby Cape Girardeau Missouri to Cairo Illinois. The miners seem to favor winter thaws.

I think an industrial drainage sluice on Fayville road is draining my ground water keeping the tunnels below the ground water level dry for illicit miners who are tunneling underneath my land and the surrounding lands. From the sounds of mining it seems that the operation sweeps back and forth from the south side of the island to the north side and inland to both sides of Fayville rd. I cannot get close to the sounds as the bootleggers signal each other and fire rifles from unseen positions. Over the years, I've heard the sound of ventilation fans but I couldn't pin point the source.

My well water has gone dry several times a year in the past three years and I've had service men come out to inspect my well, my well's pump, and my electric wiring. I had the electric company check the power lines. I do have a trickle of water coming out of the well, and the pump operates occasionally, but there is not enough to run water from my taps. The power fluctuates as if the power line is being heavily utilized and I have to turn my refrigerator's cold temperature up and be careful running any electrical motors. My electric motors seem to barely have enough juice to run. My electric bill seems too high, I think because of the poor quality of electricity, and believe I am paying for the motor running the drainage sluice on Fayville road either directly on my bill or indirectly through the Southern electric Illinois Coop membership. Southern electric Illinois Coop

service man, *exempt* oked over the drainage pump with me and could not locate its power source. We do not see any housing for the sluice's power in the area. *exempt* confirmed tunnels ran the length of the unpaved road. He said he was part of the service, maintenance and electric construction in this area for years.

I spoke with *exempt* and let him know that I suspected coal bootlegging. He said he would come out in a day or two but does not have the resources to investigate and he admitted small scale mining might be possible. I told him I am going to take pictures of the drainage sluice in a recessed position and then track the gates positions on camera with the dates. I will have my water tested, because standing water from my well turns sweet after a couple of hours and yellow and rancid after a day. I told him I thought the water contributed to my father's cancer; my father, *exempt* died from the cancer. *exempt* asked how I thought the bootleggers were coming into the area and I answered perhaps by small bass boats on the river concealed by a large island. *exempt* said the miners could not be making much money, but I think that's a mute point considering the damage to the water and my well. He told me he has no resources to investigate what's going on the river and I should continue to press for outside investigation aid.

I have not been able to enlist the aid of the state police in Ullin and I am sending reports of the mining activity as I hear the machinery and feel the ground vibrations to Springfield head quarters for the Illinois state police. *exempt* *exempt* of the Illinois State Police emailed me that he will forward my email to ISP *exempt* and request he contact Alexander County Sheriff's Dept. *exempt* for follow up on Thu 2/24/2011 4:11 PM. I have not been apprised of the investigation.

I've been listening to the mining sounds for years and have researched the internet to try to piece together what is going on. My starting point was a town in Pennsylvania where residents reported well water symptoms similar to my well water. From there I traced how common bootleg coal mining was in poor economic communities. The towns in Alexander County have no resources leading to income and may have taken to coal bootlegging out of economic necessity despite casualties to outsiders and the rivers and wildlife. Now the town seems to thrive on the bootlegging and protect it. I believe that's why investigations in Alexander and Pulaski counties as well as the territory of Southern Illinois Electric Coop go nowhere. Three years ago Southern Illinois Electric Coop told me they produce their own power. I wonder if they have purchased coal.

My family has been threatened and warned to stay away from this property. I have owned this property since the 1990's and had my father living here for about three years. The local's burned his trailer home and then his temporary trailer forcing him to leave. The locals warned me not to move back to this land and said if I did relocate here all my property would be vandalized or stolen. After a foreclosure in Chicago, I had to relocate here. The ground behind my trailer was set on fire and the neighbors interfered with the fire truck on route to my land and turned the fire truck around, I called the fire department back and gave a statement to the state fire marshal on the history of fires set on my land. My dad, *exempt* was diagnosed with cancer shortly after moving away from this property and I am concerned that mining operations tainted the ground water causing his cancer. He died from the cancer.

AL-11-000-3218



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 15 2011

REPLY TO THE ATTENTION OF:

The Honorable Mark Kirk
United States Senator
230 South Dearborn Street
Suite 3900
Chicago, Illinois 60604

Dear Senator Kirk:

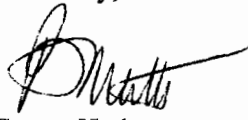
Thank you for your March 1, 2011 letter sharing constituent *Exempt's* allegations about unpermitted coal mining operations and concerns about the quality of her well water near Thebes, Illinois.

In response to *Exempt's* concerns, the U.S. Environmental Protection Agency contacted the Illinois Department of Natural Resources, which is responsible for enforcing the federal Surface Mining Control and Reclamation Act. Scott Fowler of the Land Reclamation Division will contact *Exempt's* for additional information about the alleged mining operations. He can be reached at 217-782-4970 or scott.fowler@illinois.gov.

In addition, EPA does not regulate the quality of drinking water from private wells. Brad Rendleman of the Southern Seven Health Department will contact *Exempt's* about testing her well water. He can be reached at 618-634-2297 or brendleman@s7hd.org.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

for 
Susan Hedman
Regional Administrator

AL-12-001-5665



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 21 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

The U.S. Environmental Protection Agency's (EPA) Superfund program will be adding the Bautsch-Gray Mine site, located in Galena, Illinois, to the National Priorities List (NPL) by rulemaking. The EPA received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

Final Site

September 2012

BAUTSCH-GRAY MINE | **Galena, Illinois**
*Jo Daviess County***📍 Site Location:**

The Bautsch-Gray Mine site consists of the remnants of an abandoned lead-zinc mine and milling operation located approximately four miles south of Galena in Rice Township, Jo Daviess County, Illinois. The site contains a 40-acre mine tailings pile, a 4.8-acre surface impoundment and 4.9 acres of contaminated soil. The site is in a rural area and is located approximately 1.5 miles east of the Mississippi River.

🏛 Site History:

The Bautsch and Gray Mines were two separate underground mines. The Mineral Point Zinc Company began operating at the Gray Mine in 1927 and continued until the 1940s. In 1946, Tri-State Zinc began operating at the Bautsch Mine. From 1969 until 1979, Eagle Picher operated from both mines. Currently, the property encompassed by the Bautsch-Gray Mine site is owned by three separate entities. No mining activities have occurred on the property since 1979.

■ Site Contamination/Contaminants:

A mill formerly located on the Bautsch-Gray Mine site processed rock from the Bautsch and Gray Mines. After rock was mined, it was transported to the mill which was located near the present day location of the tailings pile. The mill was used to crush and grind rock and separate usable lead and zinc ore. The leftover rock, referred to as mine tailings, began to accumulate on the site in the late 1940s. A large berm, composed of mine tailings, parallels Blackjack Road. Sampling of the areas contaminated by mine tailings found elevated levels of lead, zinc, arsenic and cadmium.

🌿 Potential Impacts on Surrounding Community/Environment:

The erosion of the tailings pile has resulted in the migration of contaminated mine tailings toward Blackjack Road. A surface impoundment, two residential properties, roadside ditches, a wetland and Smallpox Creek have been impacted by the migration of mine tailings. Smallpox Creek flows for approximately 2.7 miles before reaching the Mississippi River. Smallpox Creek is a perennial water body that is used for trapping, fishing and canoeing. The Mississippi River is a fishery and contains two protected aquatic species near the confluence with Smallpox Creek. The most shallow bedrock aquifer, which provides drinking water to most of the area residents, has been contaminated. One nearby residential drinking water well was found to exceed the Safe Drinking Water Act maximum contaminant level (MCL) for lead.

🚧 Response Activities (to date):

The EPA has entered into an administrative order on consent with several potentially responsible parties (PRPs) to conduct a Superfund time-critical removal action to install and maintain a water treatment system on the residence with elevated lead levels in their well. Removal actions were also taken to re-grade the tailings pile and address residential soils.

📋 Need for NPL Listing:

The state of Illinois referred the site to the EPA. Other federal and state cleanup programs were evaluated, but are not viable at this time. The EPA received a letter of support for placing this site on the NPL from the state on March 22, 2011.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq/index.asp> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

AL-15-000-5511



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 13 2015

THE ADMINISTRATOR

The Honorable Mark Steven Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

Congratulations on your re-appointment as co-chair of the Senate Great Lakes Task Force. I look forward to working with you as we restore the Great Lakes to support the economy, which depends on clean water and a healthy ecosystem.

The U.S. Environmental Protection Agency and the 10 other federal departments that it helps coordinate are proud to have released the next Action Plan for the Great Lakes Restoration Initiative, which you have supported over the years. The Action Plan will guide the work of nearly 20 federal and binational agencies, as well as hundreds of grantees. More about the Action Plan and GLRI projects is available online at <http://glri.us/>. With your leadership we know we will be able to continue our partnership in creating jobs while protecting and restoring the Great Lakes you gained a reputation for as a member of the House of Representatives.

I wish you the very best, and again, please accept my heartfelt congratulations. Please do not hesitate to contact me if I can be of assistance, or your staff may contact Cameron Davis, my senior advisor on Great Lakes issues whom I understand you have worked closely with in the past, at (312) 886-4957, (202) 564-7846 or davis.cameron@epa.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is written over the typed name.

Gina McCarthy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 6 2011

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of May 5, 2011, to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency (EPA), requesting that the Agency allocate \$15 million in its Programs and Management account to carry out the Safe Drinking Water Act's technical assistance authorization provision. As you describe, small communities often need assistance to improve and protect their water resources.

EPA gives consideration to the Nation's many critical environmental concerns and threats to human health, including those pertaining to rural water utilities. The Agency shares your commitment to supporting the needs of rural water utilities to help them comply with national laws and regulations.

The Agency is currently working to determine the best approach to support the technical assistance and training needs of rural communities. As the FY 2011 Enacted Operating Plan has recently been finalized, the review of options is ongoing.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Christina Moody, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bennett", written over a horizontal line.

Barbara J. Bennett
Chief Financial Officer

United States Senate

WASHINGTON, DC 20510

May 5, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

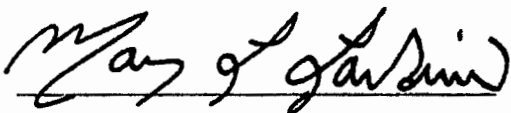
Dear Administrator Jackson:

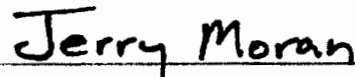
As you are aware, Congress passed H.R. 1473, the Department of Defense and Full-Year Continuing Appropriations Act of 2011, last month. Unfortunately, this legislation did not include specific language to provide funding for technical assistance and training for rural water utilities. This funding has been critical in helping rural communities comply with national drinking water standards since 1976. In dealing with complex regulations, small communities often need assistance to improve and protect their water resources. In implementing national priorities and standards, we must also address the unique needs of these communities.

Secondly, it is important to place greater weight on initiatives that are effective and produce tangible results when making funding decisions. The technical assistance made possible by past funding of this program has enabled rural water utilities to provide quality drinking water in spite of their limited economies of scale. This assistance has and will continue to help rural water systems from Louisiana to Kansas to Alaska, and every other state in the nation, comply with national laws and regulations.

We respectfully request that you allocate \$15 million in the Environmental Protection Agency Programs and Management account to carry out the Safe Drinking Water Act's technical assistance authorization provision (PL 104-182, 42 USC § 300j-1). If it is not possible to fund this competitive grant program, please let us know how the Environmental Protection Agency intends to ensure our nation's rural communities have the resources necessary to deliver safe drinking water. Thank you in advance for your consideration of this critical issue.

Sincerely,





Bar Sanders

Susan M. Collins

John A. L...

Ron Wyden

Al Franken

Jim Johnson

Chuck Sch...

Ang Klobuchar

Tom Carper

My B...

Stanne Shateen

Henry L...

Jay Byrnes

John F. Kennedy

John M. ...

John H...

Chris Coen

Paul Boych

Carl Lemir

Patrick Leary

Patty Murray

Kirsten E. Gillibrand

Clara Kim

Jon Tett

Jim Dulin

Lee Richardson

Mark Royce

Tom Harkin

AL-11-001-5784



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

The U.S. Environmental Protection Agency's (EPA) Superfund program will be finalizing the Sandoval Zinc Company site, located in Sandoval, Illinois, to the National Priorities List (NPL) by rulemaking. EPA received a Governor/State concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

Final Site

September 2011

SANDOVAL ZINC COMPANY | Sandoval, Illinois
*Marion County***📍 Site Location:**

The Sandoval Zinc Company facility is located east of Sandoval, Illinois, approximately 1,400 feet east of U.S. Route 51 and 2,200 feet south of U.S. Route 50 at the eastern end of Smelter Road (a.k.a. Mississippi Avenue).

📖 Site History:

The Sandoval Zinc facility was constructed on a 14.16 acre parcel of land in 1898 and operated as a primary zinc smelter. In 1915, the company began operating as a secondary zinc smelter. Compounds fed into the kilns were pure zinc, zinc oxide, zinc chloride and possibly aluminum chloride and other trace metals. Large quantities of cinders and slag from the smelting process were used as fill material on the property. The cinders located at the site were also offered to the public and the Village of Sandoval for fill. The facility was closed in 1985, and the company filed for bankruptcy in 1986. Currently, the property is owned by a private individual with no smelting activities taking place.

🗑 Site Contamination/Contaminants:

An uncontrolled waste pile made up of cinders and slag covers approximately five acres of the facility. The cinder/slag contains elevated levels of lead, zinc and other metals. Contaminants have migrated from the site to a drainage ditch and adjacent pond and wetlands. Antimony, arsenic, cadmium, lead, mercury, nickel and zinc were detected in the wetlands in excess of EPA's regional sediment screening values. Antimony, arsenic, lead and zinc have been found in residential yards in excess of EPA's regional screening levels (RSLs).

🏠 Potential Impacts on Surrounding Community/Environment:

Access to the site is unrestricted. There are numerous signs of recreational use on the property. An estimated 1,500 people live within 1 mile of the facility. Trespasser contact with surface soil and sediment containing hazardous substances is possible. Hazardous substances have migrated from the waste pile to a designated wetland adjacent to the facility. Hazardous substances have been transported by various means, including stack deposition and filling, into residential yards and the Village of Sandoval.

🔧 Response Activities (to date):

On April 24, 1991, a seal order was placed on the abandoned facility by the Illinois EPA. The Illinois EPA undertook removal actions in November 1991 in response to a spill of fuel oil from an above ground storage tank. Additional cleanup activities performed by Illinois EPA in 1998 consisted of repairing and replacement of fencing, the removal of hazardous substances inside the buildings and the demolition and disposal of site buildings.

📋 Need for NPL Listing:

The State of Illinois referred the site to EPA to pursue a comprehensive cleanup to address human health and environmental risks posed by the site. Other federal and state cleanup programs were evaluated, but are not viable at this time. EPA received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet

NATIONAL PRIORITIES LIST (NPL)**WHAT IS THE NPL?**

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

AL-11-001-0497



Department of Energy
Washington, DC 20585

June 20, 2011

Ms. Fay Iudicello
Director of Executive Secretariat
Office of the Executive Secretariat and Regulatory Affairs
Department of the Interior
1849 C Street NW, Room 7212
Washington, DC 20240

Mr. Eric Wachter
Director
Executive Secretariat
United States Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Iudicello and Mr. Wachter:

On June 1, 2011, the enclosed letter to President Obama from Senator John Cornyn and 27 other members of Congress was received at the Department of Energy for response. Because the subject of the letter does not fall within the purview of the Department of Energy, we are forwarding the letter to both the Department of Interior and the Environmental Protection Agency.

If you have any questions, please call me on 202-586-8923.

Sincerely,

A handwritten signature in black ink, reading "Brenda L. Mackall".

Brenda L. Mackall
Work Group Leader
Correspondence and Records Management
Office of the Executive Secretariat

Enclosure
WH ID 1053632



Printed with soy ink on recycled paper

EXEC-2011-086809

THE WHITE HOUSE OFFICE
REFERRAL

2011 JUN -2 PM 12: 04

May 26, 2011

TO: DEPARTMENT OF ENERGY

ACTION COMMENTS:

ACTION REQUESTED: APPROPRIATE ACTION

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1053632

MEDIA: LETTER

DOCUMENT DATE: April 06, 2011

TO: PRESIDENT OBAMA

FROM: THE HONORABLE JOHN CORNYN
UNITED STATES SENATE
WASHINGTON, DC 20510

SUBJECT: EXPRESSES COMMENT REGARDING REGULATIONS THAT HINDER OUR NATION
FROM PRODUCING OUR OWN DOMESTIC SUPPLY OF OIL AND GAS

COMMENTS:

PROMPT ACTION IS ESSENTIAL – IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT, ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
FAX A COPY OF RESPONSE TO: (202) 456-5881**

AL-11-001-0497

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED: April 15, 2011

CASE ID: 1053632

NAME OF CORRESPONDENT: THE HONORABLE JOHN CORNYN

SUBJECT: EXPRESSES COMMENT REGARDING REGULATIONS THAT HINDER OUR NATION FROM PRODUCING OUR OWN DOMESTIC SUPPLY OF OIL AND GAS

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION		
		CODE	DATE	TYPE RESPONSE	CODE	DATE COMPLETED
LEGISLATIVE AFFAIRS	ROB NABORS	ORG	04/18/2011			

ACTION COMMENTS:

✓ DOK

A 5/26/11

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS: 28 ADDL SIGNEES

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES		DISPOSITION	
A = APPROPRIATE ACTION	TYPE RESPONSE INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	DISPOSITION CODES A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	COMPLETED DATE
B = RESEARCH AND REPORT BACK			DATE OF
D = DRAFT RESPONSE			ACKNOWLEDGEMENT
I = INFO COPY/NO ACT NECESSARY			OR CLOSEOUT DATE
R = DIRECT REPLY W/ COPY			(MM/DD/YY)
ORG = ORIGINATING OFFICE			

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202) 456-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 85, EEOB.

Scanned By
ORM

United States Senate

WASHINGTON, DC 20510

April 6, 2011

1053632

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

As rising gasoline prices threaten our nation's economic recovery, we welcome your acknowledgement of the positive impact which increased domestic supplies of oil and gas will have for American families and businesses. In your speech on March 30, you stated, "producing more oil in America can help lower oil prices, create jobs, and enhance our energy security."

We agree, and we also share the goal of reducing our dependence on foreign oil. It is an achievable goal, as we know we have the resources to control our energy future. A recent report from the Congressional Research Service detailed our vast energy resources, showing America's recoverable resources are far larger than those of Saudi Arabia, China, and Canada combined. America's combined recoverable oil, natural gas, and coal endowment is the largest on Earth – and this is without including America's immense oil shale and methane hydrates deposits.

However, it is not just rhetoric that is keeping us from achieving the goals you outlined of lowering energy prices, creating jobs, and reducing our reliance on foreign energy. Rather, we are concerned that these goals are in direct conflict with certain ongoing actions of your Administration. In particular, the policies being carried out by the Environmental Protection Agency (EPA) and the Department of the Interior (DOI) directly and negatively impact oil and gas production and prices, as well as electricity prices for businesses and consumers. These policies hang heavy over the economy, with the promise of making our existing energy resources more expensive for Americans, and serve to inhibit future growth.

With consumers again facing \$4.00/gallon gasoline, the EPA is pursuing job-killing greenhouse gas regulations that, like the failed cap-and-trade legislation, will serve as an energy tax on every consumer. The Affordable Power Alliance recently studied the impacts of this action and found that the price of gasoline and electricity could increase as much as 50 percent. To make matters worse, the EPA acknowledges that unilateral action by the United States will have no impact on the world's climate, as China and India dramatically increase their emissions.

You also referenced efforts within the Administration to encourage domestic oil and gas production, yet since taking office, DOI has done exactly the opposite. In 2009, 77 oil and gas leases in Utah were cancelled, and the following year 61 additional leases were suspended in Montana. In December 2010, your Administration announced that its 2012-2017 lease plan would not include new areas in the eastern Gulf of Mexico or off the Atlantic coast – though these two areas hold commercial oil reserves of 28 billion barrels and up to 142 trillion cubic feet of natural gas. Delaying access to these areas not only hinders the production of domestic energy, but also means the loss of up to \$24 billion in federal revenue. In Alaska, the EPA has failed to issue valid air quality permits for offshore exploration after over 5 years of bureaucratic

wrangling, although no human health risk is at issue and over 25 billion barrels of oil may be discovered. EPA has also contributed to the continuing delay of production from the National Petroleum Reserve-Alaska – an area specifically designated by Congress for oil and gas development.

Last year, American oil production reached its highest level since 2003. The Energy Information Administrator (EIA) Richard Newell recently pointed out that the 2010 production numbers are likely the result of new leases issued during the previous administration that are just recently beginning to produce oil. Unfortunately, in the Gulf of Mexico, offshore energy production is expected to decrease by 13 percent in 2011. This decrease is cited as the result of the moratorium and the slow pace of permitting. EIA's most recent short-term energy outlook projects that domestic crude oil and liquid fuels production is expected to fall by 110,000 bbl/d in 2011, and by a further 130,000 bbl/d in 2012. To date, only 8 deepwater permits have been issued during the past 12 months, and most of these operations were started before the Macondo well blowout.

At your State of the Union Address, you called for a review of job-killing regulations within your Administration. We believe the Administration hereby has the keys to unlock our domestic energy potential today. As this review is underway, and with recognition of the toll higher energy prices are taking on Americans, we respectfully encourage you to examine the damage these current policies are having on the economy, and to work to reconcile these contradictions.

Respectfully,

John Cornyn

Dan Vitter

Jim DeMint

Rand Paul

Richard Newell

John A. DeMeyer

Ra Johnson

Kelly Ayette

Jeff Sessions

Paul Corkran

Richard Shelby

Clare Kin

Joanna

Lytle

John Boozman

Rayburn

John McCain

Kevin Hatch

Mark L

W. B.

Paul Corkran

Jerry Moran

Kay Bailey Hutchison

McN

11-001-0497

The Honorable Barack H. Obama
Page Four

Barack Obama

Sagey Chanklin

Pat Roberts

Michael B. Eni

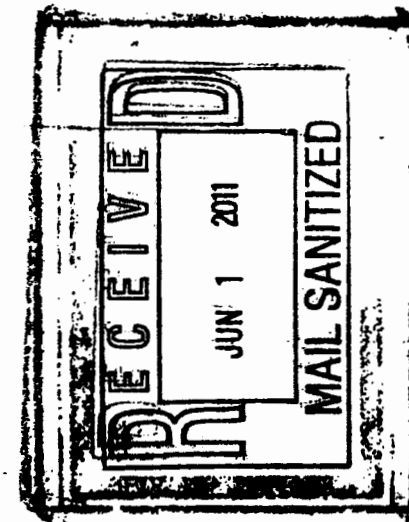
Lyndy Stoker

The Honorable Barack H. Obama
Page Five

Signers in order of signature (left to right):

John Cornyn, United States Senator
James Inhofe, United States Senator
David Vitter, United States Senator
John Thune, United States Senator
Jim DeMint, United States Senator
Ron Johnson, United States Senator
Rand Paul, United States Senator
Kelly Ayotte, United States Senator
Jeff Sessions, United States Senator
James E. Risch, United States Senator
Thad Cochran, United States Senator
Orrin Hatch, United States Senator
Richard Shelby, United States Senator
Jon Kyl, United States Senator
Mark Kirk, United States Senator
Richard Burr, United States Senator
John Barrasso, United States Senator
(duplicate)
Lindsey Graham, United States Senator
Jerry Moran, United States Senator
John Boozman, United States Senator
Kay Bailey Hutchison, United States Senator
Roy Blunt, United States Senator
Marco Rubio, United States Senator
Johnny Isakson, United States Senator
Mike Enzi, United States Senator
Saxby Chambliss, United States Senator
Roger Wicker, United States Senator
Pat Roberts, United States Senator

DEPARTMENT OF ENERGY
ATTN: EXECUTIVE SECRETARIAT
ROOM 7E054
1000 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20585



11-001-0497



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2012

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of April 6, 2011, co-signed by 27 of your colleagues, addressed to President Obama regarding permitting of additional oil and gas production and greenhouse gas (GHG) regulation under the Clean Air Act. I have been asked to respond with respect to actions by the U.S. Environmental Protection Agency.

On March 30, 2011, the President released the Blueprint for a Secure Energy Future, which recognizes the importance of producing domestic oil safely and responsibly, while taking steps to reduce our overall dependence on oil through increased use of cleaner, alternative fuels and greater energy efficiency. The country has already made progress towards these objectives. Last year, America produced more oil than we had since 2003. In addition, the EPA and the U.S. Department of Transportation (DOT) have worked with the auto industry, auto workers, and other stakeholders to issue new standards that will reduce our transportation sector's reliance on oil while reducing GHG emissions.

The EPA's 2012-2016 GHG standards for light duty vehicles, set jointly with fuel economy standards, are projected to save 1.8 billion barrels of oil over the lifetime of those vehicles. This program represents the first meaningful update to fuel efficiency standards in three decades. In 2010, the President announced another major agreement with industry and the auto workers for the EPA and DOT to set GHG and fuel economy standards for model years 2017-2025. On November 16, 2011, the EPA and DOT issued the proposal to extend the National Program of harmonized GHG and fuel economy standards to model year 2017 through 2025 passenger vehicles. The combination of 2011 fuel economy standards, the 2012-2016 GHG emissions and fuel economy standards, and the proposed 2017-2025 standards will dramatically cut the oil we consume, saving a total of 12 billion barrels of oil and \$1.7 trillion in fuel costs to American families. Also, the EPA on August 9 finalized standards for heavy duty trucks for model years 2014-2018 that are expected to save more than 500 million barrels of oil over the lifetime of those vehicles. These historic steps to reduce our dependence upon oil will protect our economy from the rising price of oil, reduce air pollution, and create and protect jobs in our manufacturing sector.

With respect to new production, the EPA supports an efficient process for Outer Continental Shelf (OCS) oil and gas permitting to enable domestic energy supplies to be developed safely and responsibly. The Bureau of Ocean Energy Management (BOEM) is the federal agency that provides authorization to drill. (The Department of Interior has responded separately to your letter.) The EPA's permits ensure compliance with air quality and wastewater discharge regulations, when and if drilling commences.

Arctic energy exploration raises special challenges and permitting issues not previously addressed in the Gulf of Mexico. The President's Blueprint established a cross-agency team to address these issues and facilitate a more efficient offshore permitting process in Alaska, while ensuring that safety, health, and environmental standards are fully met. The EPA participates in this team. In addition, the Agency has established a work group of regional and headquarters permit experts to help expedite resolution of OCS air permitting issues.

On December 23, 2011, the President signed into law the Consolidated Appropriations Act of 2012, which divested the EPA of the authority to issue air quality permits to OCS sources located off the North Slope Borough of the State of Alaska (not including any pending or existing air quality permit). Nonetheless, we would like to set the record straight on your claim that EPA failed to act on pending OCS permits for five years. Over the past five years, the EPA has issued nine OCS air permits to Shell, working closely with Shell on processing its permit applications, through several company decisions to change or withdraw applications, and through permit appeals. The EPA recently issued three of these air permits to Shell for exploratory oil and gas drilling on the OCS in the Chukchi and Beaufort seas and one to Shell for operations on the OCS in the Gulf of Mexico. EPA also issued air permits on the OCS in the Gulf of Mexico to Eni U.S. Operating Company and Anadarko Petroleum Corporation for drillships and support vessels. ConocoPhillips Company filed an air permit application involving the OCS off Alaska for a minor source exploration project in the Chukchi Sea, but the company on September 26 withdrew the application and expressed its intent to submit a new OCS permit application in the near future.

Your letter also raised concerns about GHG regulation and the economy. The EPA is taking initial steps to reduce GHG emissions from large sources using Clean Air Act tools that have been used for the last 40 years to control traditional pollutants. These tools have proven effective and consistent with a strong economy. Since 1970, emissions of six key pollutants have dropped more than 60 percent while the size of the economy (gross domestic product) has grown more than 200 percent. The motor vehicle GHG and fuel economy standards discussed above are an example of how reducing carbon pollution and strengthening our economy can go hand in hand. Though some opponents purport to estimate the economic impacts of future GHG regulation, such estimates are without foundation as they are based on speculation about actions the agency has neither proposed nor endorsed.

By contrast, there is a strong foundation for proceeding with reasonable, measured steps to reduce GHG emissions from large emitters. The National Research Council (NRC) of the National Academies stated in a 2011 report, "Each additional ton of greenhouse gases emitted commits us to further change and greater risks. In the judgment of the [NRC] Committee on America's Climate Choices, the environmental, economic, and humanitarian risks of climate change indicate a pressing need for substantial action to limit the magnitude of climate change and to prepare to adapt to its impacts."¹ The NRC also has emphasized that, because GHGs persist and accumulate in the atmosphere, reductions in the near-term are important in determining the extent of climate change impacts over the next decades, centuries, and millennia.² The EPA's targeted actions to reduce GHG emissions from large sources will contribute to the emissions reductions required to slow or reverse the accumulation of GHG concentrations in the atmosphere.

¹ National Research Council (2011) *America's Climate Choices*, Committee on America's Climate Choices, Board on Atmospheric Sciences and Climate, Division on Earth and Life Studies, The National Academies Press, Washington, DC.

² National Research Council (NRC) (2011). *Climate Stabilization Targets*. Committee on Stabilization Targets for Atmospheric Greenhouse Gas Concentrations; Board on Atmospheric Sciences and Climate, Division of Earth and Life Sciences, National Academy Press. Washington, DC.

11-001-0497

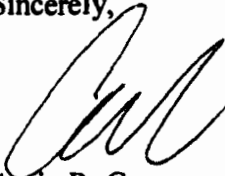
The nation does not have to choose between protecting jobs and protecting the public from pollution -- we can do both. A study led by Harvard economist Dale Jorgenson found that implementing the Clean Air Act actually increased the size of the US economy because the health benefits of the Clean Air Act lead to a lower demand for health care and a healthier, more productive workforce. According to that study, by 2030 the Clean Air Act will have prevented 3.3 million lost work days and avoided the cost of 20,000 hospitalizations every year.³ Another study that examined four regulated industries (pulp and paper, refining, iron and steel, and plastic) concluded that, "We find that increased environmental spending generally does not cause a significant change in employment."⁴

Money spent on environmental protection does not disappear from the economy; it creates and supports jobs in engineering, manufacturing, construction, materials, operation and maintenance. For example, the environmental technologies and services industry employed 1.7 million workers in 2008 and accounted for exports of \$44 billion of goods and services.⁵

In conclusion, the EPA is part of the administration's effort to implement the President's Blueprint for a Secure Energy Future, and believes that protecting public health and building a stronger economy go hand in hand.

Again, thank you for your letter. If you have any questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,



Arvin R. Ganesan
Associate Administrator

³ Dale W. Jorgenson Associates (2002a). *An Economic Analysis of the Benefits and Costs of the Clean Air Act 1970-1990. Revised Report of Results and Findings*. Prepared for EPA. [http://yosemite.epa.gov/ee/epa/eeerm.nsf/vwAN/EE-0565-01.pdf/\\$file/EE-0565-01.pdf](http://yosemite.epa.gov/ee/epa/eeerm.nsf/vwAN/EE-0565-01.pdf/$file/EE-0565-01.pdf)

⁴ Morgenstern, R. D., W. A. Pizer, and J. S. Shih. 2002. "Jobs versus the Environment: An Industry-Level Perspective." *Journal of Environmental Economics and Management* 43(3):412-436.

⁵ DOC International Trade Administration. "Environmental Technologies Industries: FY2010 Industry Assessment." [http://web.ita.doc.gov/ete/eteinfo.nsf/068f3801d047f26e85256883006ffa54/4878b7e2fc08ac6d85256883006c452c/\\$FILE/FuII%20Environmental%20Industries%20Assessment%202010.pdf](http://web.ita.doc.gov/ete/eteinfo.nsf/068f3801d047f26e85256883006ffa54/4878b7e2fc08ac6d85256883006c452c/$FILE/FuII%20Environmental%20Industries%20Assessment%202010.pdf) (accessed February 8, 2011)

Congress of the United States
Washington, DC 20515

October 26, 2011

Administrator Lisa P. Jackson
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

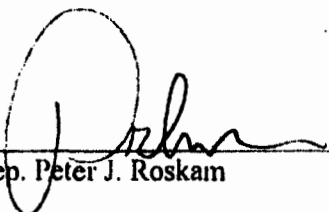
We are writing to you today in support of Oak Brook, Illinois-based Federal Signal Corporation's request for an exemption from certain engine requirements for 2012 in order to prevent serious economic hardship to the company and its employees. The company has made this request for an exemption under existing EPA authority.

Federal Signal is deserving of an exemption due to the fact that, for reasons beyond its control, the company has been unable to procure engines needed to equip its environmental service vehicles. Engine manufacturers have experienced greater than normal technical issues in providing new Tier 4i engines, difficulties that were not contemplated in the original 2004 rule.

Of particular concern to us is that Federal Signal will have to scale back production at its manufacturing facilities should it not receive an exemption. The jobs of around 300 workers will be threatened in the absence of a waiver that would only affect around 300 engines nationwide. Illinois now has a 10 percent unemployment rate, and any additional layoffs will exacerbate an already difficult economic climate in our State.

Federal Signal has been manufacturing in Illinois for over 90 years and merits the granting of this temporary relief due to the unusual circumstances that have placed the company into its current position.

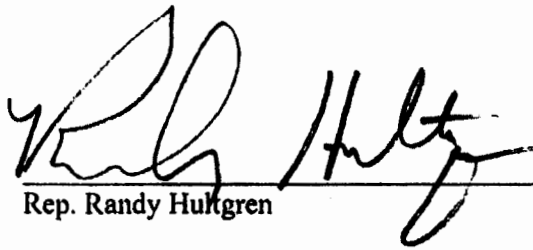
Sincerely,


Rep. Peter J. Roskam


Senator Mark Kirk

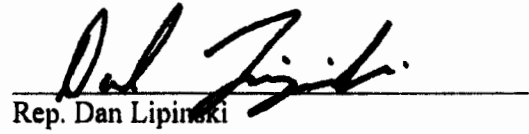

Rep. Judy Biggert


Rep. Robert Dold


Rep. Randy Hultgren

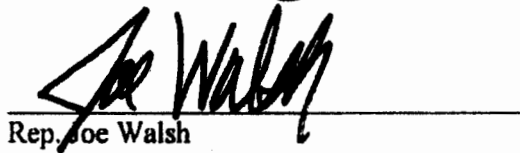

Rep. Timothy V. Johnson


Rep. Adam Kinzinger


Rep. Dan Lipinski


Rep. Donald Manzullo


Rep. Aaron Schock


Rep. Joe Walsh

11-001-8229



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 16 2011

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter dated October 26, 2011, co-signed by 10 of your colleagues, in which you express concerns about the impact of Tier 4 engine emission regulations on Federal Signal Corporation (Federal Signal). As you may be aware, Federal Signal submitted a request to the U.S. Environmental Protection Agency on October 12, 2011, seeking hardship relief from the Tier 4 requirements. Since then, we have been working with the company to determine its eligibility for additional exemption allowances beyond those already provided under our regulations.

We give careful and serious consideration to hardship applications such as the one we received from Federal Signal. We are deliberate to ensure that our actions do not create any market disruptions or provide those companies granted hardship relief with competitive advantages over other companies that have been able to comply with the applicable regulations. Thus far we have had productive exchanges with Federal Signal and intend to render a decision within the next few weeks.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is positioned above the typed name.

Gina McCarthy
Assistant Administrator

AL-12-000-7576

United States Senate

WASHINGTON, DC 20510

April 19, 2012

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Madam Secretary and Administrator Jackson:

As you work to update the Great Lakes Water Quality Agreement with Canada to better protect and restore one of the world's greatest treasures, it is critical that the agreement include strong provisions to cleanup toxics, prevent further pollution, and respond to threats such as destructive invasive species. The agreement was last updated in 1987, and it is important that the agreement be revised to reflect our improved scientific understanding of this vital natural resource.

While the Department of State and the U.S. Environmental Protection Agency have conducted several outreach sessions, including webinars, to share information about the revisions being negotiated and to solicit input, it has come to our attention that the draft text is not being shared with interested stakeholders. We are concerned that withholding this information and limiting the feedback from stakeholders could consequently weaken public support for this revised agreement by the very organizations that share its goals and work hard to restore and protect the health of the Great Lakes. We urge you to share the draft text with them. We believe that in doing so you will receive more specific and useful feedback that will ultimately improve the agreement.

Thank you for your consideration of our request. We know that we all share the goal to improve the health of this vital resource, and to ensure its protection for generations to come.

Sincerely,



Mark Kirk



Carl Levin

AL-10-002-1168

United States Senate

WASHINGTON, DC 20510

December 20, 2010

The Honorable Lisa P. Jackson
Administrator
US Environmental Protection Agency

Dear Administrator Jackson:

We are concerned about this morning's report revealing the presence of chromium-6, also known as hexavalent chromium, at a level of 0.18 parts per billion (ppb) in Chicago area drinking water. We look forward to meeting with you to discuss the presence of the chemical and the potential impact on public health in the Chicago region.

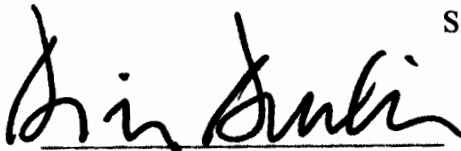
To the extent that the Environmental Protection Agency (EPA) can identify the source of the chemical, we are interested in understanding how chromium came to be in Lake Michigan, and where and how water is tested for substances such as these. We would like to discuss how the EPA intends to address this issue and how testing for chromium-6 in water treatment facilities could provide further information about where contamination takes place.

While the levels reported today register well below the 100 ppb federal limit for total chromium in tap water, mounting evidence suggests that chromium-6 ingestion may be harmful to human health. The federal standard, established in 1992, fails to distinguish between chromium-3 (trivalent chromium) and the more toxic chromium-6 (hexavalent chromium). The EPA has an important role to play in reviewing these results and in using sound science to determine the best approach to protecting the quality of drinking water in Illinois and across the country.

Lake Michigan is a vital resource and a national treasure. Millions of Illinoisans rely on Lake Michigan for their drinking water. We look forward to working with you on this important issue to improve the quality of our nation's drinking water for future generations.

cc: [illegible]
[illegible]

Sincerely,



Richard J. Durbin



Mark Kirk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C. 20460

FEB 11 2011

The Honorable Mark Kirk
 United States Senate
 Washington, D.C. 20510

OFFICE OF
 WATER

Dear Senator Kirk:

Thank you for your letter of December 20, 2010, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency (EPA), expressing your concern about hexavalent chromium (chromium-6) in drinking water. Ensuring safe drinking water is a top priority for EPA. We take very seriously your concerns raised by the recent Environmental Working Group (EWG) report on chromium-6 and more specifically drinking water in the Chicago region. Administrator Jackson was glad to meet with you and your colleagues to discuss this issue. She asked that I respond to your request for information about our actions on this issue.

Your letter asks that we update you on our efforts to address chromium-6 in drinking water. The Safe Drinking Water Act defines a rigorous process to keep drinking water standards up to date to respond to improving science and emerging concerns. EPA has an existing drinking water standard of 0.1 milligrams per liter for total chromium, which applies to all forms of chromium. The regulation assumes that the sample is 100% chromium-6, which is the more toxic form. However, the science behind chromium-6 is evolving and recent studies indicate the potential for greater human health effects than was previously thought. The agency regularly re-evaluates drinking water standards and, based on new science on chromium-6 has already begun a rigorous and comprehensive assessment of its health effects. Last fall, the agency released a draft of the scientific review. Following a public comment period, the draft assessment is undergoing review by independent scientists and we expect to finalize the assessment in 2011. I strongly support protecting public health, finalizing our health assessment is a critical step to assure a sound scientific and transparent basis for decision making.

Your letter asks for information about where and how water is tested. Your letter also asks how testing in water facilities can provide further information about where contamination takes place. Shortly after we received your letter, EPA provided guidance to water systems recommending that they consider performing enhanced monitoring for chromium-6. This guidance recommends sampling locations, frequencies and an EPA approved analytical method that specifically measures the levels of chromium-6 in drinking water. We believe that this additional information will allow water systems to better inform their consumers about the levels of chromium-6 in their drinking water, evaluate the degree to which other forms of chromium are transformed into chromium-6 in their drinking water and assess the degree to which existing treatment affects the levels of chromium-6 in drinking water. The Agency is working with state drinking water agencies to offer technical expertise and assistance to communities cited in the recent EWG study where chromium-6 was found in the tap. EPA Region 5 is also participating in the chromium-6 workgroup formed by the Illinois EPA to assess the prevalence of this contaminant in Illinois in drinking water and source water, both ground and surface water.

Lastly, you ask about what might be sources of chromium-6 in Lake Michigan. Chromium can occur naturally in soil and is also used in industrial processes such as making steel and other alloys, for chrome plating, for dyes and pigments, and for leather and wood preservation. EPA does not have definitive information about the specific sources of the chromium-6 detected in Lake Michigan.

Again, thank you for your leadership and your letter. EPA appreciates your input and looks forward to continuing to work with Congress on this matter. If you have further questions, please contact me or your staff may call Pamela Janifer of EPA's Office of Congressional and Intergovernmental Relations at (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter S. Silva', written over a horizontal line.

Peter S. Silva
Assistant Administrator

United States Senate

WASHINGTON, DC 20510

January 18, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW.
Washington, DC 20460

Re: Air Docket EPA-HQ-OAR-2008-0476

Dear Administrator Jackson:

We urge U.S. EPA to consider the 2011 ozone data submitted by the State of Illinois when deciding whether to designate northeastern Illinois in attainment with 2008 ground-level ozone standards.

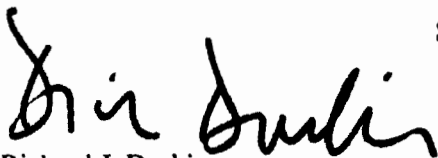
It is our understanding that the data from 2008-2010 support EPA's finding of lower ozone levels in northeastern Illinois. While these lower ozone levels are good news, the 2011 data show an increase in ozone and that the air quality improvement is not sustainable. We do not want to see northeastern Illinois incorrectly placed into compliance with ground-level ozone standards and lose access to the tools needed to help the region achieve sustainable improvements in air quality.

One example of the resources helping the region improve air quality is the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. This program has facilitated projects ranging from enhancement of bus service along the Jane Addams Tollway in suburban Chicago to roadway intersection improvements throughout northeastern Illinois.

Better air quality is vital for the health and well-being of Illinois residents. Should northeastern Illinois lose its nonattainment status, CMAQ and many other programs that help reduce traffic congestion and pollution would no longer be available and citizens will continue to be subject to unacceptable levels of smog, associated with lung damage, asthma and respiratory difficulties.

We respectfully request you consider including the 2011 data when revisiting EPA's current ozone nonattainment designations. Please do not hesitate to contact our offices should you have any additional questions.

Sincerely,



Richard J. Durbin
U.S. Senator



Mark S. Kirk
U.S. Senator

12-000-0954



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2012

OFFICE OF
AIR AND RADIATION

The Honorable Mark S. Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of January 18, 2012, co-signed by Senator Richard Durbin, to Administrator Lisa Jackson regarding the U.S. Environmental Protection Agency's upcoming action to designate areas for the 2008 National Ambient Air Quality Standards for ground-level ozone. The Administrator asked that I reply on her behalf.

In your letter, you urged the EPA to consider the 2011 ozone data submitted by the State of Illinois in the designation decisions for northeastern Illinois. You expressed concern that while the air quality data from 2008-2010 show air quality improvement in the area, the 2011 data show the improvement has not been sustained. You were concerned about the loss of resources to help the area achieve sustainable improvements in air quality such as through the Congestion Mitigation and Air Quality Improvement Program.

The EPA has considered the 2011 air quality data that indicate a monitored violation of the 2008 ozone standards in Lake County, Illinois. Lake County is part of the Combined Statistical Area that includes northeastern Illinois as well as counties in Indiana and Wisconsin. Consequently, on January 31, 2012, Regional Administrator Hedman sent letters to the Governors of Illinois, Indiana and Wisconsin, notifying them that the Agency intends to designate the Chicago-Naperville, IL-IN-WI area as nonattainment. As provided by the Clean Air Act, the states now have the opportunity to provide additional information before the EPA issues the final designations. The EPA expects to complete the designations in spring 2012.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over a horizontal line.

Gina McCarthy
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

MAR 13 2012

The Honorable Mark Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Kirk:

The U.S. Environmental Protection Agency's (EPA) Superfund program will be proposing to add the Bautsch-Gray Mine site, located in Galena, Illinois, to the National Priorities List (NPL) by rulemaking. The EPA received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

Proposed Site

March 2012

BAUTSCH-GRAY MINE | **Galena, Illinois**
*Jo Daviess County***📍 Site Location:**

The Bautsch-Gray Mine site consists of the remnants of an abandoned lead-zinc mine and milling operation located approximately four miles south of Galena in Rice Township, Jo Daviess County, Illinois. The site contains a 40-acre mine tailings pile, a 4.8-acre surface impoundment and 4.9 acres of contaminated soil. The site is in a rural area and is located approximately 1.5 miles east of the Mississippi River.

📖 Site History:

The Bautsch and Gray Mines were two separate underground mines. The Mineral Point Zinc Company began operating at the Gray Mine in 1927 and continued until the 1940s. In 1946, Tri-State Zinc began operating at the Bautsch Mine. From 1969 until 1979, Eagle Picher operated from both mines. Currently, the property encompassed by the Bautsch-Gray Mine site is owned by three separate entities. No mining activities have occurred on the property since 1979.

📊 Site Contamination/Contaminants:

A mill formerly located on the Bautsch-Gray Mine site processed rock from the Bautsch and Gray Mines. After rock was mined, it was transported to the mill which was located near the present day location of the tailings pile. The mill was used to crush and grind rock and separate usable lead and zinc ore. The leftover rock, referred to as mine tailings, began to accumulate on the site in the late 1940s. Mine tailings areas are devoid of vegetation and/or have distressed vegetation. A large berm, composed of mine tailings, parallels Blackjack Road. Sampling of the areas contaminated by mine tailings found elevated levels of lead, zinc, arsenic and cadmium.

🌊 Potential Impacts on Surrounding Community/Environment:

The erosion of the tailings pile has resulted in the migration of contaminated mine tailings toward Blackjack Road. A surface impoundment, two residential properties, roadside ditches, a wetland and Smallpox Creek have been impacted by the migration of mine tailings. Smallpox Creek flows for approximately 2.7 miles before reaching the Mississippi River. Smallpox Creek is a perennial water body that is used for trapping, fishing and canoeing. The Mississippi River is a fishery and contains two protected aquatic species near the confluence with Smallpox Creek. The most shallow bedrock aquifer, which provides drinking water to most of the area residents, has been contaminated. One nearby residential drinking water well was found to exceed the Safe Drinking Water Act maximum contaminant level (MCL) for lead.

🚧 Response Activities (to date):

The EPA has entered into an administrative order on consent with several PRPs to conduct a time-critical removal action to install and maintain a water treatment system on the residence with elevated lead levels in their well. Removal actions were also taken to regrade the tailings pile and address residential soils.

📋 Need for NPL Listing:

The State of Illinois referred the site to the EPA. Other federal and state cleanup programs were evaluated, but are not viable at this time. The EPA received a letter of support for placing this site on the NPL from the state on March 22, 2011.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaqs.html> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

United States Senate

WASHINGTON, DC 20510

October 25, 2012

The Honorable Lisa Jackson
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to share concerns regarding requests to waive Renewable Fuels Standard (RFS) for 2013. Citing the potential effect of a record drought year on the availability and price of corn, several states have requested a waiver of RFS.

Congress established the RFS to promote energy independence and domestic production of new fuel sources. It was designed to also improve our balance of trade and strengthen national security by reducing our dependence on foreign oil. The RFS has proven to be an overwhelming success, with annual production of domestic biofuels exceeding 13 billion gallons, displacing nearly 500 million barrels of imported foreign oil. Ethanol is currently the largest component of domestic biofuels production, and its inclusion in the domestic supply has significantly lowered the cost of gasoline for consumers.

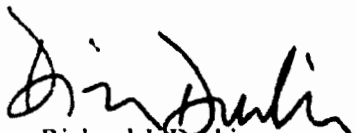
The RFS also has enhanced domestic grain markets and expanded economic development opportunities in rural America. With 14 plants in Illinois, the ethanol industry alone supports more than 4,000 direct jobs and payroll exceeding \$250 million annually. Illinois produced 1.65 billion gallons of ethanol in 2011. Also, RFS has provided enough certainty for investments in 9 biodiesel plants in Illinois.

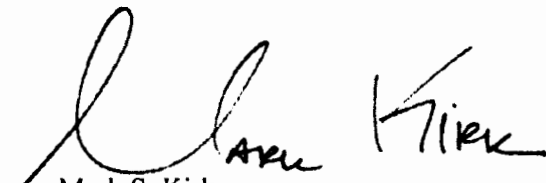
Further, roughly one-third of the corn used in ethanol production returns to the agriculture sector in the form of high-protein dried distillers grains (DDGs) used as livestock feed. In Illinois alone, 6.25 million tons of DDGs were produced in 2011, supplying Illinois farms with an additional high protein feed source.

While there are conflicting studies on the full impact or lack of impact of waiving RFS, we ask the U.S. Environmental Protection Agency to fully consider the impact on Illinois' rural economy of waiving RFS as you make a determination on these waiver requests.

Thank you in advance for your attention to this matter.

Sincerely,


Richard J. Durbin
United States Senator


Mark S. Kirk
United States Senator

AL-12-001-8225



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 31 2013

OFFICE OF
AIR AND RADIATION

The Honorable Mark S. Kirk
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter dated October 25, 2012, co-signed by Senator Richard Durbin, regarding a waiver of volume requirements under the Renewable Fuels Standard (RFS) program. The Administrator asked me to respond on her behalf.

Governors from several states and a number of organizations cited the drought conditions affecting much of the country in their request for a waiver of the national volume requirements for the RFS pursuant to the Clean Air Act. After extensive analysis, review of thousands of comments, and consultation with the Department of Agriculture (USDA) and the Department of Energy (DOE), the EPA denied the requests for a waiver in a decision published in the *Federal Register* on November 27, 2012.

The EPA recognizes that last year's drought has created significant hardships in many sectors of the economy, particularly for livestock producers. However, the agency's extensive analysis makes clear that Congressional requirements for a waiver have not been met and that waiving the RFS would have little, if any, impact on ethanol demand or energy prices over the time period analyzed.

The *Federal Register* notice contains a detailed description of the analysis the EPA conducted in conjunction with DOE and USDA, along with a discussion of relevant comments we received through our public comment process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is positioned above the typed name.

Gina McCarthy
Assistant Administrator

AL-13000-6712

MARK KIRK
U.S. SENATOR

COMMITTEE
APPROPRIATIONS
BANKING, HOUSING & URBAN AFFAIRS
HEALTH, EDUCATION, LABOR & PENSIONS
AGING

United States Senate

June 25, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460

Dear Acting Administrator Perciasepe:

I write regarding the proposed National Pollutant Discharge Elimination System (NPDES) permit issued by the Indiana Department of Environmental Management (IDEM) for the BP Products North America Inc. Whiting Refinery. I worry that the permit lacks adequate safeguards to reduce mercury discharges into the Great Lakes, posing significant risks to our environment and public health. I urge you to use your authority to protect Lake Michigan and millions of Illinoisans from harmful pollution discharged by the BP Whiting Refinery, located approximately twenty miles southeast of Chicago.

In 2007, BP agreed to clean up its act, reduce the amount of pollution dumped into the Great Lakes and develop technology that could dramatically decrease the amount of mercury discharged into Lake Michigan by the Whiting Refinery. More than five years later we continue to see elevated levels of mercury in effluent discharged into Lake Michigan. On June 23, 2013, the *Chicago Tribune* reported that the BP Whiting refinery remains one of only a few industrial polluters that release wastewater containing traces of mercury into the southern half of Lake Michigan. Allowing the continuation of toxic chemicals, such as mercury, to be dumped into the Great Lakes, the source of drinking water for more than 30 million Americans, is unacceptable.

While I am encouraged that the proposed permit released by IDEM includes more stringent limitations for ammonia and Total Suspended Solids (TSS) over the next five years, I am deeply disturbed that the permit allows the Whiting Refinery to legally discharge an annual average of 23.1 parts per trillion of mercury into Lake Michigan—nearly 20 times the federal Great Lakes water quality standard of 1.3 parts per trillion. It appears that the proposed permit fails to contain any enforceable deadlines that require BP to bring its mercury pollution to the federal standard and does not provide any guidance on what are the criteria for deciding when the technology is successful in filtering mercury and can be readily deployed. Instead the permit gives BP another five-year pass, stipulating only that BP further study mercury technology and report back to IDEM by March 2015.

We should be taking every precaution to protect the public from harmful effects of mercury contamination and work to enhance the water quality of the Great Lakes, not knowingly degrade the environment of our lakes even further. Each year Great Lakes states issue advisories to residents limiting the consumption of specific types of fish due to the risk of mercury contamination. Your own agency estimates that more than 300,000 newborns in the United States are exposed to unsafe levels of mercury in utero every year. Mercury bio-accumulates in

CHICAGO OFFICE
250 SOUTH DEARBORN STREET
SUITE 3800
CHICAGO, IL 60604
312-386-3500

SPRINGFIELD OFFICE
607 EAST ADAMS ST.
SUITE 1520
SPRINGFIELD, IL 62701
217-492-5089
www.kirk.senate.gov

WASHINGTON OFFICE
524 HART BUILDING
WASHINGTON, DC 20516
202-224-2854

fish and, when eaten, contaminated fish can cause brain and nervous system disorders, particularly in children.

I urge the Environmental Protection Agency to thoroughly review the draft NPDES permit issued by IDEM and ensure that the permit requirements comply with federal standards and uphold the Clean Water Act. As both Congress and the Administration work together to restore and protect the Great Lakes, it is unimaginable that we continue to permit harmful compounds to be discharged into our water supply.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kirk". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Mark Kirk
U.S. Senator